

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 13, 2005
Tuesday, 9:07 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Pam Wright of the Unity Church, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the November 22, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamations Mayor Mayans read aloud the following Proclamations:

“The Independent School Day”
“Dr. Elise “Ellie” Shore Day”

Recognition Recognition of Medical Training Officers-Dr. Catherine Young.

Mayor Mayans and Dr. Catherine Young recognized each Medical Training Officer and presented each of them with a certificate.

PUBLIC AGENDA

Alice Ward Boat House supporter-Alice Ward.

Ms. Ward stated that she would like James Riggs, who is a former member of the Arkansas River Foundation, to address the Council.

James Riggs Mr. Riggs stated that the original intention of the Wichita Boathouse was to promote boating activities on the river reminiscent of the old Riverside Boathouse on the Arkansas River. With matching contributions from Bill Koch and private contributions from over 450 citizens, the Boathouse became a reality. Stated that it is something that the people of Wichita were and still are proud of. Stated that it was the home to the Wichita State Rowing Team, Wichita Rowing Association, Wichita Sailing Club and the River Kids Sailing Program. Stated that Wichita does not need another monstrous office building to block any remaining views and access to the river. Asked the Council to do what is in the best interest of the residents and to keep the Boathouse.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 20

Buck Goodman

America Three-Save the Boat House Group-Buck Goodman.

Stated that he has been on the phone with Mr. Bill Koch and that Mr. Koch wanted him to express to the Council his concerns regarding the Boathouse. Stated that he has received a lot of ideas and input from the citizens and business owners for turning the Boathouse into an attraction. Stated that Wichita needs a big attraction and that the WaterWalk could be used to do that with. Stated that Mr. Koch would like to see the Boathouse remain and something done with it by entrepreneurs or some business owners from Wichita. Stated that he has a letter that was written by Mr. Koch and has been asked to read it at noon today at the Boathouse to the City.

Ryan Johnson

Request for traffic signal at corner of Pawnee and Broadway to help with crossing access for visually handicapped people-Ryan Johnson.

Mr. Johnson stated that he is a taxi cab driver and has to haul people back and forth to a facility called Envision. Stated that one of his concerns is that the intersection and Pawnee and Broadway does not have a sound signal for the visually handicapped. Stated that there is one at Lincoln and Hydraulic, and has been told that it has proven effective by one of his customers. Stated that he is asking the Council to see if they could help him get one of those sound signals put on this intersection because there are times that these people walk to and from Envision and it would help them out.

Council Member Skelton

Council Member Skelton stated that this is his district and he will discuss this with the engineering department and find out what the feasibility of getting this done.

Jerry Dowdy

Wichita Pride Senior Center and Disabled Grocery Mart-Jerry Dowdy.

Mr. Dowdy stated that he put in a proposal for a senior citizen and disabled handicapped grocery store. Stated that they have several organizations that are willing to help him do this and need a little help with funding from the City to help with this project. Stated that this store has special shelving, wider aisles, electric scooters that are made for double persons and everything in the store would be different then a regular grocery store. Stated that there would be 36-inch arm reach, so that they could reach anything that they need on their own. Stated that they also would have a touch-tone monitor for when they need assistance for ordering their groceries and will be brought to them. Stated that they had a survey done through Wichita State University on the surrounding area, which is a five-mile radius at Pawnee and Seneca and within that radius there are 211,000 people that are either disabled, handicapped or a senior citizen. Stated that he is asking if the City of Wichita would help them with a grant to carry this out. Stated that this would also have the potential of employing 200 people.

(Council Member Schlapp momentarily absent)

George Kolb

City Manager stated that Mr. Dowdy could contact Allen Bell or Mary K. Vaughn regarding looking for federal support.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 21

CONSENT AGENDA

Council Member Martz Council Member Martz requested that item 22 be pulled for discussion.

Council Member Skelton Council Member Skelton requested that item 19F be pulled.

Council Member Fearey Council Member Fearey requested that item 10C be pulled.

Motion-- Mayans moved that Consent Agenda items 5 through 32 be approved, excluding items 22, 19F and 10C.
--carried Motion carried 7 to 0.

BOARD OF BIDS

REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 5 AND DECEMBER 12, 2005.

Wichita Drainage Canal, Phase 1 - along the Wichita Canal, south of K-1 and Grove, north to south of Douglas. (468-84119/660794/864409) Does not affect existing traffic. (District I, III)

Uretek USA, Inc. - \$89,424.00

Manholes along Roseberry Street, east of Hillside to serve Planeview Subdivision - south of Pawnee, east of Hillside. (46883890/46883923b/622241/620378/644349/663499) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Wildcat Construction - \$74,800.00

Water Distribution System to serve Maple Shade Addition - north of Pawnee, east of Webb. (448-90070/735263/470934) Does not affect existing traffic. (District II)

McCullough Excavation - \$45,150.00

2005 Sanitary Sewer Reconstruction Phase 12 - north of 35th Street South, east of Meridian. (468-84078/620446/665566) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Wildcat Construction - \$116,000.00

Storm Water Drain #267 to serve Prairie Pond Plaza Addition - north of Kellogg, east of 143rd Street East. (468-84014/751397/485288) Does not affect existing traffic. (District II)

Jayhawk Contractors – \$71,940.50 (Base Bid)
\$13,300.00 (Alternate 2)
\$85,240.50 (Total Bid)

Lateral 7, Main 13 Four Mile Creek Sewer to serve Hawthorne 2nd & 3rd Additions - north of 21st Street North, east of 127th Street East. (468-83872/744145/480833) Does not affect existing traffic. (District II)

McCullough Excavation - \$49,850.00

Water Distribution System to serve Hawthorne 2nd & 3rd Additions - north of 21st Street North, east of 127th Street East. (448-89994/735277/470948) Does not affect existing traffic. (District II)

McCullough Excavation - \$38,450.00

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 22

Water Distribution System to serve Falcon Falls 2nd Addition - north of 45th Street North, west of Hillside. (448-90106/735285/470956) Does not affect existing traffic. (District I)

Padgett Excavation - \$57,680.90

Water Distribution System to serve Fontana & Fontana 2nd Additions - north of 29th Street North, east of 119th Street West. (448-89999/735288/470959) Does not affect existing traffic. (District V)

McCullough Excavation - \$129,600.00

Lateral 5, Main 7 Northwest Interceptor Sewer to serve Fontana & Fontana 2nd Additions - north of 29th Street North, east of 119th Street West. (46883877/744156/480844) Does not affect existing traffic. (District V)

McCullough Excavation - \$265,350.00

Lateral 42, District T, Sanitary Sewer #12 to serve 21st Street Kids and Family Empowerment Addition - north of 21st Street North, east of Hydraulic. (468-84115/622099/675130) Does not affect existing traffic. (District I)

WB Carter Construction - \$23,300.00

Water Distribution System to serve 21st Street Kids and Family Empowerment Addition (north of 21st Street North, east of Hydraulic) (448-90143/636152/775546) Does not affect existing traffic. (District I)

WB Carter Construction - \$80,488.50

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION:
Interior/Exterior Modifications 2 Houses.

McFadden Construction Co. - \$79,000.00 (Group 1 Total Net Bid)

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replace Chain link Fence.

Parga Construction - \$42,000.00 (Group 1 Total Net Bid)

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Install Concrete Slab and Shed Construction.

Caro Construction Co. Inc. - \$48,246.00 (Group 1 Total Net Bid)
\$59,211.00 (Group 2 Total Net Bid)

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Roof Replacement Residential Sites.

Frederick Waterproofing & Roofing - \$23,518.91 (Group 1 Total Net Bid)
Midwest Roofing Services Inc. - \$31,294.00 (Group 2 Total Net Bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 23

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Mueller Tapping Machine, Parts and Tools.

National Waterworks Inc. - \$32,025.08 (Group 1 Total Net Bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Snowplows and Material Spreaders (salt).

Midwest Truck Equipment - \$15,723.00 (Group 1 Total Net Bid)

Murphy Tractor & Equipment Co. Inc. - \$17,299.98 (Group 2 Total Net Bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Heating and Air-Conditioning Repair Service.

MSI Services - \$18,644.00* (Group 1 Total Net Bid)

*Estimate – Contract approved on unit cost basis.

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Fire Hydrants.

Wichita Winwater Works - \$42,619.05*

*Estimate – Contract approved on unit cost basis.

INFORMATION TECHNOLOGY (IT/IS) DEPARTMENT/APPLICATION SUPPORT DIVISION: Library SAN Hardware.

Dell Marketing* - \$102,177.86 (WSCA Contract Pricing 92-00151, Contract #07979)

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No.38-122 Section 2.64.020 (j).

INFORMATION TECHNOLOGY (IT/IS) DEPARTMENT/APPLICATION SUPPORT DIVISION: Library SAN Software.

Dell Marketing* - \$44,266.00 (WSCA Contract Pricing 92-00151, Contract #07979)

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No.38-122 Section 2.64.020 (j).

INFORMATION TECHNOLOGY (IT/IS) DEPARTMENT/APPLICATION SUPPORT DIVISION: Crystal Enterprises (Business Objects Licensing).

Software House International* - \$105,840.00 (Per State of Kansas Contract #07359)

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No.38-122 Section 2.64.020 (j).

Information Technology (It/Is): Npower Single Module UPS Hardware.

Liebert Global Services - \$57,725.00 (Group 1 base bid)

\$ 6,625.00 (Group 1/option 1)

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 24

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: 58M GVW Dump Trucks, 20M GVW Step Vans.

Kansas Truck Center - \$116,894.00 (Group 1 base bid)
\$ 495.00 (Group 1/option 1)
\$ 150.00 (Group 1/option 2)
\$ 273.00 (Group 1/option 3)
\$ 150.00 (Group 1/option 4)
\$ 509.00 (Group 1/option 5)
\$ 18,612.00 (Group 1/option 6)
<\$-18,000.00>Deduct(Group 1/option 7)
\$139,772.00 (Total)

\$244,676.00 (Group 2/total base bid)
\$ 1,037.00 (Group 2/option 1)
\$ 996.00 (Group 2/option 2)
\$ 982.00 (Group 2/option 3)
\$ 1,036.00 (Group 2/option 4)
\$ 687.00 (Group 2/option 5)
\$ 287.00 (Group 2/option 6)
<-\$10,400.00>Deduct (Group 2/option 7)
\$250,448.00 (Total)

PUBLIC WORKS DEPARTMENT/STORM WATER DIVISION: Articulated Wheel Loader with Bucket.

Berry Tractor & Equipment Co. \$108,372.00 (Group 1 base bid)
<-\$32,000.00 Deduct> (Group 1/option 1)
\$ 4,936.00 (Group 1/option 2)
\$ 3,844.00 (Group 1/option 3)
\$ 14,382.00 (Group 1/option 4)
\$ 1,697.00 (Group 1/option 5)
\$101,231.00 (Total)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Trailer Mounted 185 C.F.M. Air Compressor.

Victor L Phillips Company - \$25,734.00 (Group 1 total base bid)
\$ 724.00 (Group 1/option 2)
\$26,458.00 (Total)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Rubber Tired Loader/Backhoe.

Wichita Tractor Co. - \$101,918.00 (Group 1 total base bid)
\$ 8,940.00 (Group 1/option 1)
\$ 3,756.00 (Group 1/option 2)
<\$-19,000.00> Deduct (Group 1/option 3)
\$ 95,614.00 (Total)

PARK & RECREATION DIVISION/RECREATION DIVISION: Concrete Pathway Improvements Wildwood.

Cornejo & Sons Inc. - \$31,372.00 (Group 1 total net bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 25

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Testing and Overhauling Backflow Devices.

Rain Link Inc. - \$49,547.00* (Group 1 total net bid)
*Estimate – Contract approved on unit cost basis.

FIRE DEPARTMENT/TRAINING DIVISION: Interspiro Airpak Components.

Roberson Fire & Safety Inc. - \$54,447.18 (Group 1 total net bid)

FIRE DEPARTMENT/TRAINING DIVISION: Fire Hose.

Emergency Fire Equipment Co. - \$28,096.70 (Group 1/total net bid)

POLICE DEPARTMENT/SPECIAL OPERATIONS DIVISIONS: Digital Eyewitness in-car Video system.

Kustom Signals, Inc.* - \$28,000.00
*Purchases utilizing Sole Source of Supply Ordinance No. 38-122,
Section 2.64.020 (b).

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSES:

Renewal – Adult Entertainment.

Randall H. Graves	Party Store	9601 East Kellogg
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Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

New - Escort Service.

Lori Johnson	A Absolute 10	2415 Glendale
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Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Dat Huynh	D & T Grocery	895 South Woodlawn
Van T. Tto	Lee's Convenience Store	2828 East 21 st Street North
Clinton E. Davidson	Checkers K-15	1915 East Pawnee
<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Jerry W. Himebaugh	MacDonald Municipal Golf Course*	840 North Yale
<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Angela Allsbury	Pangie Inc.	3810 North Woodlawn

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 26

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) 2005 Contract Maintenance Preparatory Curb & Gutter Repairs - east of 119th Street West, south of 53rd Street North. (472-84167/132718/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, VI) - \$350,000.00
- b) North Rock Road Water Line to serve Northeast Storage Tank - Rock Road and 53rd Street North. (448-89720/635644/762700) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$475,000.00
- c) Water Distribution System to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (448-89888/735283/470954) Does not affect existing traffic. (District III) - \$95,000.00
- d) Water Distribution System to serve Fawn Grove Addition - north of Harry, west of Greenwich. (448-90115/735281/470952) Does not affect existing traffic. (District II) - \$73,000.00
- e) Lateral 383 Four Mile Creek Sewer to serve Fawn Grove Addition - north of Harry, west of Greenwich. (468-84082/744151/480839) Does not affect existing traffic. (District II) - \$104,000.00
- f) Lateral 378 Four-Mile Creek Sewer to serve Krug North 2nd Addition - north of 21st Street North, west of 143rd Street East. (468-84054/744152/480840) Does not affect existing traffic. (District II) - \$219,000.00
- g) Storm Water Drain #268 to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (468-84015/751409/485300) Does not affect existing traffic. (District III) - \$182,000.00
- h) Mona Circle from Pattie west to and including the cul-de-sac; Pattie Court from Pattie west to and including the cul-de-sac; Victoria Court from Victoria east to and including the cul-de-sac to serve Lots 20 through 25, Block C; Mona from the north line of Mona Circle, east to the west line of Lot 18, Block A; Pattie from the south line of Lot 26, Block B, north to the north line of Mona Circle; Victoria from the south line of Lot 10, Block E, south to Lot 6, Block E; Sidewalk along one side of Mona, Pattie, and Victoria to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (472-83867/765968/490083) Does not affect existing traffic. (District III) - \$381,000.00
- i) Lateral 377 Four Mile Creek Sewer to serve Home Bank & Trust Addition (north of 13th, west of Greenwich) (468-84050/744153/480841) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$47,000.00
- j) Lateral 46 Cowskin Interceptor Sewer to serve Southern Ridge 3rd Addition (south of Pawnee, west of Maize Road) (468-83966/744142/480830) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$174,000.00
- k) Water Distribution System, Phase 4 to serve Southern Ridge 3rd Addition (south of Pawnee, west of Maize Road) (448-90055/735280/470951) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$63,000.00

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 27

- l) 2005 Contract Maintenance Area Concrete Repairs, Phase 3 (north of 33rd Street South, west of Rock) (472-84327/132718/620398/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, IV) - \$158,000.00
- m) Cost of Façade Improvement Program at 535 West Douglas – even Lots 126-140 inclusive and west 5' of Lot 142, Chicago, now Douglas Avenue, West Wichita Addition to the City of Wichita, Sedgwick County, KS, (766012/472-84242/491-013) (District IV) – Total estimated cost - \$254,650.00
- n) Cost of Storm Water Drain #241 to serve Copper Gate North Addition – north of 13th Street North, west of 135th Street West – 751396/468-83908/485-287. (District V) - \$153,360.00
- o) Wichita Drainage Canal, Phase 1 - along the Wichita Canal, south of K-1 and Grove, north to south of Douglas. (468-84119/660794/864409) Does not affect existing traffic. (District I, III) - \$149,915.36
- p) Manholes along Roseberry Street, east of Hillside to serve Planeview Subdivision - south of Pawnee, east of Hillside. (46883890/46883923b/ 622241/620378/644349/663499) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$104,000.00
- q) Water Distribution System to serve Maple Shade Addition - north of Pawnee, east of Webb. (448-90070/735263/470934) Does not affect existing traffic. (District II) - \$90,000.00
- r) 2005 Sanitary Sewer Reconstruction Phase 12 - north of 35th Street South, east of Meridian. (468-84078/620446/665566) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$210,000.00
- s) Storm Water Drain #267 to serve Prairie Pond Plaza Addition - north of Kellogg, east of 143rd Street East. (468-84014/751397/485288) Does not affect existing traffic. (District II) - \$226,000.00
- t) Lateral 7, Main 13 Four Mile Creek Sewer to serve Hawthorne 2nd & 3rd Additions - north of 21st Street North, east of 127th Street East. (468-83872/744145/480833) Does not affect existing traffic. (District II) - \$76,000.00
- u) Water Distribution System to serve Hawthorne 2nd & 3rd Additions - north of 21st Street North, east of 127th Street East. (448-89994/735277/470948) Does not affect existing traffic. (District II) - \$62,000.00
- v) Water Distribution System to serve Falcon Falls 2nd Addition - north of 45th Street North, west of Hillside. (448-90106/735285/470956) Does not affect existing traffic. (District I) - \$130,000.00
- w) Water Distribution System to serve Fontana & Fontana 2nd Additions - north of 29th Street North, east of 119th Street West. (448-89999/735288/470959) Does not affect existing traffic. (District V) - \$217,000.00
- x) Lateral 5, Main 7 Northwest Interceptor Sewer to serve Fontana & Fontana 2nd Additions - north of 29th Street North, east of 119th Street West. (46883877/744156/480844) Does not affect existing traffic. (District V) - \$606,000.00

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 28

STMNT OF COSTS

STATEMENTS OF COST - PAVING:

- a) Improving Waddington Court to serve Four H Addition (north of Central, west of Tyler). Total Cost - \$64,948.39 (plus idle fund interest - \$345.53, plus temporary note interest - \$1,606.08). Financing to be issued at this time - \$66,900.00. (765923/472-82312/490-036).
- b) Improving an east-west alley between Martinson and Elizabeth, McCormick and Irving, from the west line of Martinson to 160' west of Martinson to serve John McCormick's Addition, Replat part of John McCormick's Addition (west of Seneca, south of Lincoln). Total Cost - \$29,593.47 (plus idle fund interest - \$153.36, plus temporary note interest - \$1,353.17). Financing to be issued at this time - \$31,100.00. (765687/472-83388/490-798).
- c) Improving Victoria, Marie, 44th Street South and Greenwood to serve Hidden Glen Addition (north of 47th Street South, west of Hydraulic). Total Cost - \$233,129.18 (plus idle fund interest - \$788.17, plus temporary note interest - \$6,982.65). Financing to be issued at this time - \$240,900.00. (765883/472-83625/490-994).
- d) Improving Peregrine, Kite and Blackhawk, and Kite Circle to serve Falcon Falls Addition (south of 53rd Street North, west of Hillside). Total Cost - \$324,357.59 (plus idle fund interest - \$1,541.99, plus temporary note interest - \$7,700.42). Financing to be issued at this time - \$333,600.00. (765924/472-83689/490-037).
- e) Improving a northbound left turn lane on Woodlawn into Ironhorse Street to serve Ironhorse at Oxford Addition (west of Woodlawn, south of 29th Street North). Total Cost - \$40,784.69 (plus idle fund interest - \$210.57, plus temporary note interest - \$1,404.74). Financing to be issued at this time - \$42,400.00. (765881/472-83708/490-992).
- f) Improving Cavit, Decker and Burton to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$230,370.26 (plus idle fund interest - \$950.94, plus temporary note interest - \$6,678.80). Financing to be issued at this time - \$238,000.00. (765907/472-83722/490-020).
- g) Improving City View, Sheriac Circle, and Sheriac Court to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$241,900.03 (plus idle fund interest - \$853.88, plus temporary note interest - \$7,246.09). Financing to be issued at this time - \$250,000.00. (765890/472-83759/490-003).
- h) Improving Northwind from the east line of Northshore Blvd. as platted in Ridge Port Addition, north and east to the east line of the plat of Ridge Port Addition (east of Ridge, north of 29th Street North). Total Cost - \$40,800 (plus idle fund interest - \$246.42, plus temporary note interest - \$1,053.58). Financing to be issued at this time - \$42,100.00. (765889/472-83773/490-002).
- i) Improving Den Hollow, Den Hollow Court, and Den Hollow Circle to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$226,956.63 (plus idle fund interest - \$889.23, plus temporary note interest - \$5,554.14). Financing to be issued at this time - \$233,400.00. (765916/472-83790/490-029).
- j) Improving 28th Street North from the west line of Lot 4, Block 1, to the west line of Greenwich Road to serve Regency Park Addition (south of 29th Street North, west of Greenwich Road). Total Cost - \$85,612.64 (plus idle fund interest - \$437.29, plus temporary note interest - \$2,450.07). Financing to be issued at this time - \$88,500.00. (765895/472-83803/490-008).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 29

- k) Improving Façade Improvement Program at 111 West Douglas to serve Lots 79, 81, 83, 85, and 87 on Douglas Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas (south of Douglas, west of Main). Total Cost - \$139,276.64 (plus idle fund interest - \$869.18, plus temporary note interest - \$5,854.18). Financing to be issued at this time - \$146,000.00. (766006/472-83815/491-007).
- l) Improving Shiloh, Boston and Zimmerly, Shiloh Court, and Boston Court to serve Crystal Creek Addition (north of Harry, west of Greenwich). Total Cost - \$782,162.88 (plus idle fund interest - \$3,948.61, plus temporary note interest - \$28,188.51). Financing to be issued at this time - \$814,300.00. (765818/472-83818/490-929).
- m) Improving Façade Improvement Program at 810 West Douglas to serve Lots 51, 53, 55, 57, 59 and 10 feet adjacent to Lot 59 on Douglas Avenue, West Wichita Addition (north of Douglas, west of McLean). Total Cost - \$52,238.40 (plus idle fund interest - \$280.75, plus temporary note interest - \$1,580.85). Financing to be issued at this time - \$54,100.00. (766008/472-83864/491-009).
- n) Improving Founders Circle from the north line of Lot 1, Block 1, to serve Wichita Clinic Addition (south of 21st Street North, east of K-96 Expressway). Total Cost - \$242,266.12 (plus idle fund interest - \$1,075.54, plus temporary note interest - \$6,058.34). Financing to be issued at this time - \$249,400.00. (765911/472-83893/490-024).
- o) Improving University Avenue for a street widening for the eastbound lanes of University Avenue from approximately 200 feet east of the intersection with Ridge Road to Ridge Road to serve University and Ridge Addition (south of Maple, east of Ridge). Total Cost - \$34,280.60 (plus idle fund interest - \$150.18, plus temporary note interest - \$869.22). Financing to be issued at this time - \$35,300.00. (765838/472-83894/490-949).
- p) Improving Façade Improvement Program at 1011-1017 West Douglas to serve Lots 6, 8, 10, 12, 14, 16 and 18 all on Douglas in West Wichita Addition (south of Douglas, east of Seneca). Total Cost - \$51,054.07 (plus idle fund interest - \$230.47, plus temporary note interest - \$1,315.46). Financing to be issued at this time - \$52,600.00. (766009/472-83896/491-010).
- q) Improving Hoover from the south line of Elm to the north line of 9th Street North to serve Avery, Barnett's, and Patterson Gardens Additions (Hoover, north of Central). Total Cost - \$246,337.02 (plus idle fund interest - \$1,041.68, plus temporary note interest - \$6,121.30). Financing to be issued at this time - \$253,500.00. (765845/472-83908/490-956).
- r) Improving 27th Street North from the west line of Lot 1, Jackson Avenue in F.C. McTaggart's Addition to the middle of the intersection of 27th Street North and Jackson. Total Cost - \$32,755.27 (plus idle fund interest - \$128.21, plus temporary note interest - \$816.52). Financing to be issued at this time - \$33,700.00. (765868/472-83958/490-979).
- s) Improving 27th Street North from the west line of Wellington to the west line of Market to serve Montrose Park, Aley Park and North Lawn Additions. Total Cost - \$97,017.06 (plus idle fund interest - \$238.66, plus temporary note interest - \$2,344.28). Financing to be issued at this time - \$99,600.00. (765871/472-83959/490-982).
- t) Improving 27th Street North from the middle of the intersection of 27th Street North and Waco to the east line of Fairview to serve F.C. McTaggart's Addition and unplatted tract. Total Cost - \$48,450.51 (plus idle fund interest - \$137.87, plus temporary note interest - \$1,211.62). Financing to be issued at this time - \$49,800.00. (765870/472-83960/490-981).
- u) Improving 27th Street North from the middle of the intersection of 27th Street North and Jackson to the middle of the intersection of 27th Street North and Waco to serve F.C. McTaggart's Addition, North Court Addition and unplatted tract. Total Cost - \$54,742.51 (plus idle fund interest - \$187.77, plus temporary note interest - \$1,369.72). Financing to be issued at this time - \$56,300.00. (765869/472-83961/490-980).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 30

- v) Improving Clara Street, from the east line of Doris Street, Doris Street, from the south line of 13th Street North and sidewalk to be constructed along one side of Doris Street to serve Steve Kelley 5th Addition (south of 13th Street North, east of Hoover). Total Cost - \$219,572.13 (plus idle fund interest - \$1,030.94, plus temporary note interest - \$7,696.93). Financing to be issued at this time - \$228,300.00. (765875/472-83993/490-986).
- w) Improving Manchester, Waterside, and Waterside Courts to serve Prairie Pointe Addition (north of 37th Street North, west of Maize). Total Cost - \$380,220.27 (plus idle fund interest - \$1,031.02, plus temporary note interest - \$10,748.71). Financing to be issued at this time - \$392,000.00. (765897/472-84023/490-010).
- x) Improving Westlakes Court and Westlakes Parkway to serve Fox Ridge Addition (north of 29th Street North, east of Maize). Total Cost - \$655,757.82 (plus idle fund interest - \$2,346.26, plus temporary note interest - \$19,695.92). Financing to be issued at this time - \$677,800.00. (765878/472-84025/490-989).
- y) Improving Jewell, Grant, Rogers Lane, Jewell Court, Grant Court, and Rogers Circle to serve Turkey Creek Addition (north of Pawnee, west of 119th Street West). Total Cost - \$466,355.18 (plus idle fund interest - \$1,875.78, plus temporary note interest - \$12,169.04). Financing to be issued at this time - \$480,400.00. (765899/472-84028/490-012).
- z) Improving Kessler from the north line of Kellogg Drive to the south line of Gardens Addition (north of Kellogg, east of West Street). Total Cost - \$126,430.66 (plus idle fund interest - \$489.68, plus temporary note interest - \$3,179.66). Financing to be issued at this time - \$130,100.00. (765891/472-84041/490-004).
- aa) Constructing a traffic signal at the intersection of Woodlawn and the major entrance to Lot 1, Block 1, Northeast Elementary School Addition and the major entrance to Lot 1, Block 1, Hinkle's Addition (at Woodlawn, south of 29th Street North). Total Cost - \$210,220.89 (plus idle fund interest - \$1,146.60, plus temporary note interest - \$7,358.51). Financing to be issued at this time - \$218,700.00. (765882/472-84047/490-993).
- bb) Improving Bickel from 9th to 8th Streets North, 8th Street North from Bickel to Gow, and Gow from 8th Street North to Murdock and relocate the water line on Gow to serve Sunnyside Gardens, King's 8th Street, and Bolan Additions (north of Central, east of Zoo Boulevard). Total Cost - \$176,172.55 (plus idle fund interest - \$656.95, plus temporary note interest - \$4,370.50). Financing to be issued at this time - \$181,200.00. (765904/472-84062/4900177).
- cc) Improving Bluelake, 31st Street South, Bolin Drive, Sabin, Bluelake Court, and Sabin Court to serve Blue Lake Addition (west of West Street, north of MacArthur). Total Cost - \$987,902.13 (plus idle fund interest - \$1,832.61, plus temporary note interest - \$24,365.26). Financing to be issued at this time - \$1,014,100.00. (765905/472-84074/490-018).
- dd) Improving Hawthorne Street from the south line of Lot 13, Block A, north to and including the Hawthorne Court and continuing south to the north line of Siefkes to serve Shoal Creek 3rd Addition (south of Central, west of 143rd Street East). Total Cost - \$82,971.98 (plus idle fund interest - \$893.54, plus temporary note interest - \$1,334.48). Financing to be issued at this time - \$85,200.00. (765930/472-84085/490-043).
- ee) Improving Lark, Hadden, Fieldcrest Street, Atlanta Circle, Hadden Circle to serve Southern Ridge 2nd Addition (south of Pawnee, west of Maize). Total Cost - \$279,973.97 (plus idle fund interest - \$281.51, plus temporary note interest - \$6,844.52). Financing to be issued at this time - \$287,100.00. (765917/472-84097/490-030).
- ff) Improving Pattie from the south line of Galena south to a point 42' south of the north line of Block 3 to serve Rainbow 2nd Addition (west of Hydraulic, south of 31st Street South). Total Cost - \$9,645.11 (plus idle fund interest - \$354.89, plus temporary note interest - \$0). Financing to be issued at this time - \$10,000.00. (765910/472-84109/490-023).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 31

- gg) Improving Sidewalk along the west side of Reserve A, to serve Reed's Cove Addition and Reed's Cove 2nd Addition (south of 21st Street, east of 127th Street East). Total Cost - \$66,492.27 (plus idle fund interest - \$421.93, plus temporary note interest - \$1,685.80). Financing to be issued at this time - \$68,600.00. (765909/472-84110/490-022).
- hh) Improving Eisenhower Court to serve Airport Industrial Park Addition (south of Harry, west of Hoover). Total Cost - \$93,515.54 (plus idle fund interest - \$214.18, plus temporary note interest - \$2,370.28). Financing to be issued at this time - \$96,100.00. (765908/472-84112/490-021).
- ii) Improving 45th Street South, Leonine, and 45th Street South Court to serve Angel Fire Addition (north of 47th Street South, east of West Street). Total Cost - \$129,279.68 (plus idle fund interest - \$421.48, plus temporary note interest - \$3,198.84). Financing to be issued at this time - \$132,900.00. (765922/472-84126/490-035).

Amended Statement of Cost:

- jj) Improving Paddock Green Circle from the north line of Wilson Estates Parkway to 97 feet south of the north line of Lot 5, Block 1, and the cul-de-sacs serving Lots 1 through 5 and Lots 30 through 38, Block 1 to serve Brighton Courts Addition (south of 21st Street North, west of Webb Road). Total Cost - \$142,840.64 (plus idle fund interest - \$585.69, plus temporary note interest - \$5,373.67). Financing to be issued at this time - \$148,800.00. (765825/472-83816/490-936).

Motion--carried

Mayans moved that the Statements of Cost be approved. Motion carried 7 to 0.

PETITIONS

PETITIONS FOR PUBLIC IMPROVEMENTS:

KILLARNEY PLAZA

CONSTRUCT A SANITARY SEWER IN KILLARNEY PLAZA EAST ADDITION, NORTH OF 29TH STREET NORTH, WEST OF ROCK ROAD. (DISTRICT I)

Agenda Report No. 05-1080

On May 17, 2005, the City Council approved a Petition to construct a sanitary sewer in Killarney Plaza East Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of 29th St. North, west of Rock.

The existing Petition totals \$51,000. The new Petition totals \$66,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-630

Resolution of findings of advisability and Resolution authorizing construction of Lateral 69, Main 9, Sanitary Sewer No. 23 (north of 29th Street North west of Rock) 468-84018 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 32

SANITARY SEWER CONSTRUCT A SANITARY SEWER TO SERVE AN AREA ALONG GREENWICH, NORTH OF 13TH STREET. (DISTRICT II)

Agenda Report No. 05-1081

The Petition has been signed by two owners representing 100% of the improvement district.

The project will provide sanitary sewer service to an undeveloped commercial area along Greenwich, north of 13th.

The Petition totals \$105,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-631

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 10, Four Mile Creek Sewer (at Greenwich, north of 13th) 468-84124 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

(Item 10C)

TRAFFIC SIGNALS INSTALL TRAFFIC SIGNALS AT THE INTERSECTION OF 21ST STREET AND FOUNDERS CIRCLE. (DISTRICT II)

Agenda Report No. 05-1082

The project will provide signalized access to a new health clinic, school, retail and church building located along 21st, east of the K-96 Expressway. The signals will be installed as part of a 21st Street improvement project, currently scheduled for 2009 in the Capital Improvement Program. Temporary signals will be installed this winter to provide traffic controls at the intersection until the permanent signals are installed.

The Petition totals \$150,000, with \$75,000 assessed to the improvement district and \$75,000 paid by the City-at-Large. The funding source for the City share is General Obligation Bonds.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Council Member Fearey Council Member Fearey stated that she would have to abstain due to conflict of interest.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Fearey abstained)

RESOLUTION NO. 05-632

Resolution of findings of advisability and Resolution authorizing constructing a traffic signal at the intersection of 21st Street North and Founders Circle (south of 21st, west of 127th Street East) 472-84331 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, and Mayans; (Fearey abstained).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 33

DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a) Easement dated November 10th, 2005 from Socora Village Company over a tract of land lying in Lot 26, Block 7, Evergreen an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City. D27694
- b) Easement dated November 8th, 2005 from Avalon Park, L.L.C. over a tract of land lying in Lot 6, Block 3, Avalon Park, an Addition to the City of Wichita, Sedgwick County, Kansas, and (OCA # 607861). No Cost to City. D27695
- c) Sanitary Sewer Easement dated November 9th, 2005 from Kansas Business Condos, LLC, a Kansas Limited Liability Company, over a portion of Lot 3, Block B, Ridge Port Commercial Park, Wichita, Sedgwick County, Kansas (OCA# 607861). No Cost to City. D27696
- d) Utility Easement dated October 20th, 2005 from Twenty First Growth, L.L.C., over a tract of land lying in Lot 3, Block 1, Hawthorne Third Addition, an Addition to Wichita, Sedgwick County, Kansas (OCA# 697861). No Cost to City. D27697
- e) Utility Easement dated October 19th, 2005 from Beech Lake Development, L.L.C. a Kansas Limited Liability Company, over a tract of land located in the Southwest Quarter of Section 9, Township 27 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas (OCA# 697861). No Cost to City. D27699
- f) Drainage and Utility Easement dated October 14th, 2005 from Vantage Point Waterfront Properties, LLC; KCBB, Inc; Delta Data Systems, Inc. over a tract of land lying in portions of Lot 3 and Lot 4, Block1, The Waterfront Addition, an Addition to the City of Wichita, Sedgwick County, Kansas (OCA# 697861). No Cost to City.
- g) Utility Easement dated November 2, 2005 from Keith D. and Jill M. Cremer over a tract of land lying in Lot 17, Block 6 White Tail Addition to Sedgwick County, Kansas (OCA# 130161). No Cost to City.
- h) Utility Easement dated November 14th, 2005 from Socora Homes, Inc. over tracts of land lying in Lots 42 and 43, Block 3, Fontana, an Addition to Wichita, Sedgwick County, Kansas (OCA# 744156). No Cost to City.
- i) Drainage Easement dated November 16th, 2005 from Noel and Judy Sunderland, over a tract of land lying in Lot 8, Block 1, in Amarado Estates Addition, Sedgwick County, Kansas (OCA# 660513). No Cost to City.
- j) Drainage Easement dated November 12th, 2005 from Robert K. and Sharon K. Jobe, over a tract of land lying in Lot 7, Block 1, in Amarado Estates Addition, Sedgwick County, Kansas (OCA# 660513). No Cost to City.

Motion--carried

Mayans moved that the documents be accepted. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 34

BOARDS/COMM.

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District IV Advisory Board, August 3, 2005
Police and Fire Retirement System Regular Board, August 24, 2005
District IV Advisory Board, September 7, 2005
Wichita Employees' Retirement System Annual Board, September 21, 2005
Wichita Public Library Monthly Report, October, 2005
Board of Code Standards and Appeals, October 3, 2005
District II Advisory Board, October 3, 2005
District VI Advisory Board, October 3, 2005
District IV Advisory Board, October 5, 2005
Wichita Employees' Retirement Board/Police & Fire Retirement Board
Annual Joint Investment Committee, October 6, 2005
Wichita Public Library Regular Library Board of Directors, October 18, 2005
District VI Advisory Board, October 19, 2005
Design Council City Arts Building Corrected Minutes, October 19, 2005

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 05-1083

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

YMCA Frosty Five Fun Run, Sunday, January 1, 10:30 a.m. -Noon

§ Third & Market
§ Third & Main
§ Third & Waco
§ Second & Waco
§ First & Waco (partial)

Police security is arranged to remove street barricades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 35

CLAIMS

REPORT ON CLAIMS ALLOWED FOR OCTOBER 2005:

<u>Name of Claimant</u>	<u>Amount</u>
Barvais, Lori	\$269.84
Bowersox, Bonnie	\$81.65
Braeger, Dawn	\$210.00
Calvert, David	\$600.47
Gile, Rebecca	\$208.71
Kansas Gas Service	\$827.24
Kansas Gas Service	\$1,444.63
Kansas Turnpike Authority	\$334.70
McFerrin, Montie	\$5,553.98
Mitchell, Genea	\$1,287.67
O'Neal, Lisa	\$400.00
Ritthaler, Margaret	\$199.84
SBC	\$443.17
Southwestern Bell	\$993.08
Terry, Norman	\$349.91
Westar Energy	\$735.34
Westar Energy	\$1,393.13

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

WEAPONS

WEAPONS DESTRUCTION.

Agenda Report No. 05-1084

The Police Department has requested authorization to destroy several weapons, which have been confiscated in criminal activity but are no longer needed as evidence.

City code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department for use or sale. All transactions involving weapon disposal must have prior approval of the City Manager. Lists of weapons being destroyed have been provided and includes Exhibit A-23 long guns and 74 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion--carried Mayans moved that the list of weapons be received and filed. Motion carried 7 to 0.

CENTREX

CENTREX TELEPHONE SERVICE.

Agenda Report No. 05-1085

Telephone services for City of Wichita locations not served by the City Hall PBX telephone system is provided under the Centrex contract. Centrex service serves outlying locations such as Fire Departments, Police Departments, and smaller, decentralized locations that have few telephone lines. The contract with the current carrier has expired and a new contract is necessary.

A Request for Proposal (FP500086) for Centrex Telephone Service was issued and one response was received from the incumbent service provider, Telcove. This response meets all criteria of the RFP at a reasonable price

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 36

The annual value of the contract is approximately \$72,500, and will save approximately \$5,000 per year over the current price, which is currently budgeted.

The Law Department is currently reviewing and will approve the contracts as to form. The duration of the contract is for one year with an annual renewal options for an additional four years.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

FALCON FALLS

RESPREAD ASSESSMENTS-FALCON FALLS SECOND ADDITION, EAST OF HYDRAULIC, NORTH OF 37TH STREET NORTH. (DISTRICT I)

Agenda Report No. 05-1086

The landowner, Heights, L.L.C., a Kansas Limited Liability Company, platted Falcon Falls 2nd Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a main sanitary sewer improvement. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot, therefore, distributing the cost of the improvement more fairly. Without the Agreement, the assessments will remain spread on a square foot basis.

There is no cost to the City.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

TEAMSTERS

TRANSIT TEAMSTERS MEMORANDUM OF AGREEMENT.

Agenda Report 05-1087

The City has reached tentative agreement with Transit Teamsters Local #795 for a five-year labor agreement. The agreement will be in effect for the period of December 17, 2005 through December 24, 2010.

The following key changes were negotiated through the collective bargaining process and will cover transit employees represented by the Teamsters:

1. Across the board wage increases of 3% in 2006, 3% in 2007, and 2.5% in 2008 with a two-year wage re-opener only for 2009-2010 contract years.
2. For 2006 longevity pay for employees with over eleven years of service will be increased to three dollars a month for each year of service. For 2007 longevity pay for employees with over eleven years of service will be increased to four dollars a month for each year of service.
3. A new pay for performance plan that will require employees to meet three of five negotiated performance criteria to be eligible for a one-step merit increase and allow for employees who meet all five of the negotiated performance criteria the opportunity to achieve a two-step merit increase or a \$500 bonus for employees at the top of their salary range.
4. Employees will be required to have a DOT physical every three years.
5. A one-dollar increase in weekly pension benefits starting in 2006.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 37

6. Numerous language items as proposed by the City.

The 2006 and 2007 budgets for Transit include funding for a 3% wage increase and funding for increased longevity payments. The relatively minimal costs of the increase in retirement contributions and the proposed bonus structure will be incorporated in the 2006 Revised budget.

The City Attorney's Office has reviewed the Agreement and approved it as to form.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

EQUUS BEDS

EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT, PHASE I-SUPPLEMENTAL.

Agenda Report No. 05-1088

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. (Engineer) to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project for \$798,532.

Nov. 5, 2002, City Council approved Supplemental Agreement No. 1 for additional archeological services necessary to evaluate the impact of the discovery of a pre-historic artifact.

March 25, 2003, City Council approved Supplemental Agreement No. 2 for services necessary to run the computer model to evaluate the results of pilot work on alternate water treatment technologies.

April 1, 2003, City Council approved Supplemental Agreement No. 3 to allow drilling of additional test holes at the proposed sites for recharge basins.

May 25, 2004, City Council approved Supplemental Agreement No. 4 to drill two additional test wells at alternative sites for diversions wells that appeared to have better water quality.

August 31, 2004, City Council approved a Memorandum of Understanding with the Equus Beds Groundwater Management District (GMD) that led to the unanimous recommendation of the GMD for approval of the City's applications for water rights for Phase I of the ASR project.

March 8, 2005, City Council approved Supplemental Agreement No. 5 that included services to conduct a shallow aquifer test and other services associated with obtaining appropriations from the state.

July 12, 2005, the City Council approved Supplemental Agreement No. 6 that included services to conduct a full-scale aquifer test at one of the proposed diversion well sites, and Supplemental Agreement No. 7 that included engineering services to upgrade the electrical system in the Equus Beds Wellfield.

November 1, 2005, City Council approved Supplemental Agreement No. 8 to build a full-scale well and perform pump tests at a diversion site that has a water appropriation from the state.

As part of the design activities of the Phase I project, the engineer performed a pumping test near one of the proposed diversion well sites. The test was to help determine how much water could be diverted from the river using wells adjacent to the river. Results of the recently completed test determined that the river/aquifer connection in this area is less substantial than it was at the site used during the Recharge Demonstration Project. Consequently, the proposed diversion wells will not be able to capture up to 10 MGD without potentially impairing other groundwater users. The only way to capture up to 10 MGD at this site and fully utilize the recharge facilities is to directly withdraw water from the river.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 38

On November 1, 2005, City Council approved a Design/Build project to construct a surface water treatment plant to treat river water and authorized Staff to issue a Request for Proposals. Supplemental Agreement No. 9 is for the design of a surface water intake in the Little Arkansas River, and the design of equipment to feed powered activated carbon (PAC). The PAC is needed to remove atrazene from the water, which is often found in the river at levels exceeding drinking water standards. Both of these tasks are beyond the scope of services in the original Contract, and were not included in the scope of services for the Design/Build project to construct the surface water treatment plant.

The cost for the engineering services to design the river intake and the PAC feed equipment will not exceed \$188,293. Funding is included in CIP W-549, Water Supply Plan Phase III that has available funding of over \$7.6 million in 2005.

The Law Department has reviewed and approved Supplemental Agreement No. 9 as to form.

Motion--
--carried

Mayans moved that the Supplemental Agreement No. 9 with Burns & McDonnell be approved and the necessary signatures authorized. Motion carried 7 to 0.

INTERPRETER SERV. TRANSLATION AND INTERPRETER SERVICES CONTRACT.

Agenda Report 05-1089

The Municipal Court is required by state statute (K.S.A. 75-4351) to provide translation and interpreter services for court proceedings involving persons whose primary language is one other than the English language. The interpreter must be able to readily communicate with the person and be able to accurately, clearly and effectively repeat and translate the statement of such person and/or translate documents presented to the individual. The most frequently required languages have been Spanish and Vietnamese.

A Request for Proposal (RFP) was developed seeking vendors that could provide translation and interpreter services for court proceedings. The RFP was submitted to multiple vendors, published in The Wichita Eagle and posted on E Procurement. Five vendors responded. A selection committee reviewed and evaluated the proposals and the vendor Translators and Interpreter Company is recommended. This company has provided interpreter services to the Court since 1996, met the requirements of the RFP and offered the lowest cost for services. The hourly rate for translation and interpreting service is designated per language type: \$29.90 per hour for Spanish; \$35 per hour for Vietnamese; \$40 per hour for Laotian, French, and Cambodian; \$45 per hour for Thai, Arabic, German, Russian, Greek, Romanian, Italian, Japanese, Chinese and Korea; and \$50 per hour for all other languages.

The proposed hourly rate for the Spanish language, the most frequently requested interpreter service, remained at the same rate as the past contract. The proposed hourly rate for the Vietnamese language, the second most frequently requested interpreter service, reduced from \$45 per hour to \$35 per hour. Annual expenditures are dependent upon the number of non-English speaking defendants, which has been increasing over the past several years.

State law requires the Court to provide translation and interpreter service for any court proceeding involving persons whose primary language is one other than the English language. In accordance with the statute, the expense for this service cannot be assessed against the defendant. The Municipal Court's 2006 budget includes \$22,700 for translation and interpreter services and is sufficient to provide the required services.

The contract will be approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the contract with Translators and Interpreting Co. be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 39

INTERVEN. PROG. CONTRACT FOR WICHITA INTERVENTION PROGRAM GUARD SERVICES.

Agenda Report No. 05-1090

Kansas Law requires defendants convicted of a first Driving Under the Influence (DUI) offense to be incarcerated for forty-eight hours and attend alcohol intervention/education classes. In 1984, Municipal Court established the Wichita Intervention Program (WIP) that combined both aspects in a setting outside of jail. Participants stay in a designated facility that provides lodging, meals and classroom space for program participants from Friday evening until Sunday afternoon. A trained facilitator conducts the alcohol intervention/education classes and security guards provide 24 hours supervision to maintain a "confined" environment.

A Request for Proposal (RFP) was developed seeking contractors that could provide security guard services two nights (Friday and Saturday) and one half day on Sundays for a maximum of forty participants. The security guards provide supervision on a continuous basis as well as perform pat searches, sort through the participants' luggage, prohibit uninvited visitors and perform hourly bed checks. The RFP was sent to companies in the Wichita area, was published in The Wichita Eagle and posted on the City's EProcurement site. Three companies responded. A selection committee reviewed and evaluated the proposals and Smart Security and Investigations, Inc. was selected. Although the cost proposed by Smart Security and Investigations, Inc. was slightly higher than the lowest submittal, this company met all requirements of the Request for Proposal.

The Wichita Intervention Program (WIP) is funded from the General Fund; however, all costs are offset entirely by revenues generated from participant fees. Two hundred fifty dollars (\$250.) is collected per participant prior to attendance and offsets the costs of all aspects of the WIP program; the hotel facility, guard service, facilitators, speakers and administration costs. The total 2005 budget for the Wichita Intervention Program is \$267,310. Total expenses through October were \$132,435; and total collections through October were \$166,450.

In response to the Request for Proposal (RFP), the proposed guard contractor submitted an hourly rate of \$13.00 per guard hour and \$14.68 per hour for the guard supervisor. The 2006 Adopted Budget includes \$61,630 and is sufficient to provide the security guard services.

The contract has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the contract with Smart Security and Investigations, Inc. be approved and the necessary signatures authorized. Motion carried 7 to 0.

BNSF CLEANUP OF BNSF RIGHT-OF-WAY, SELECTION OF CONTRACTOR. (DISTRICT I)

Agenda Report No. 05-1091

The Council previously approved a project and allocated funds to remove rank vegetation, volunteer trees, bulky waste, and trash from the former Burlington Northern Santa Fe easement that runs east and north from approximately Cleveland and Murdock streets. (The abandoned right of way was acquired by the City through a rail banking agreement late last year.) Following a survey of the area, staff characterized the necessary work, issued a request for proposals, and conducted a pre-proposal meeting with prospective contractors.

A selection committee comprised of staff from Environmental Services, Central Inspection, Parks and Recreation, Public Works, and Purchasing reviewed six proposals submitted in response to the City's request. It was determined that available funds would allow cleanup of sections west of Oliver, which represented the area of greatest concern. The Parks and Recreation Department will address sections east of Oliver upon assumption of routine maintenance responsibility for the abandoned right of way. Three finalists were selected based on approach to the project, qualifications to complete the project, previous experience, and proposed costs. Interviews were conducted with finalists, and JBE was selected as the preferred contractor.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 40

Staff has negotiated a contract with the preferred contractor for \$94,500, which is within the previously allocated funding.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the contract with JBE in the amount of \$94,500 be approved and the necessary signatures authorized. Motion carried 7 to 0.

PRINTERS

PRODUCTION MONOCHROME PRINTERS.

Agenda Report No. 05-1092

The City of Wichita Print Shop provides a production printing service for all City departments. This service includes printing water bills, payroll deposit advises, as well as numerous other functions. The lease for the current production monochrome printers has expired and a new solution is necessary.

A competitive Request for Proposal (FP500336) for production monochrome printers was issued and 4 responses were received. A selection committee reviewed and evaluated the proposals based on the criteria set forth in the Request for Proposal. Two vendors were able to fully meet the requirements of the RFP and provide the level of quality needed for Print Shop production. Interviews and product demonstrations were conducted with the two finalists before a decision was reached. The Xerox Corporation offered the highest quality product at a competitive price. The lease agreement includes on-site maintenance for the term of the lease. The agreement also includes all supplies except for paper and staples.

The printer lease is within the departmental operating budget and the annual total is not expected to exceed \$80,000, which reflects savings of approximately \$16,000 annually over the previous contract.

The Law Department is currently reviewing and will approve the contracts as to form. The duration of the lease agreement is five years.

Motion--
--carried

Mayans moved that the lease agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

119TH STREET WEST PAWNEE, 119TH STREET WEST TO MAIZE ROAD-SUPPLEMENTAL. (DISTRICT V)

Agenda Report No. 05-1093

The 2004 Capital Improvement Program includes funding for improvements to Pawnee from 119th Street West to Maize Road. The Staff Screening & Selection Committee selected Poe & Associates of Kansas, Inc. the design on April 2, 2004. On May 2, 2004, the City entered into an Agreement with Poe & Associates for designing the improvements for a fee of \$181,600.

The original drainage concept for the paving of Pawnee was to drain to the pavement to an existing drainage system in Maize Road. During the concept stage of design, it was determined that the existing drainage system was of limited capacity and that this concept was not possible. A new drainage concept is required. The study will determine pipe sizing, locations of needed drainage structures, relocation of conflicting underground facilities, preparation of plans for any necessary facility relocations, and preparation of the project plans for the drainage system and paving project. The proposed Supplemental Agreement provides for the additional design services.

Payment to Poe will be on a lump sum basis of \$59,800, and will be paid by General Obligation Bonds and Water Utility.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 41

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

WATERLINE

WATERLINE ALONG HOOVER, NORTH OF ZOO BOULEVARD-SUPPLEMENTAL. (DISTRICT V)

Agenda Report No. 05-1095

On May 21, 2002 the City Council approved the water line along Hoover, north of Zoo Boulevard and authorized the Staff Screening & Selection Committee to select a design engineer. The Staff Screening & Selection Committee selected TranSystems Corporation for the design on June 10, 2002. On June 28, 2002, the City entered into an Agreement with TranSystems for designing the improvements for a fee of \$9,800.

The plans were nearing completion when the Wichita Water Department requested a revision to the line size along Hoover north from 21st Street. The request resulted in the need to redesign the portion of the project in Hoover Road, and at the connection point of the Hoover line to the proposed 36" water line in 21st Street. The change from a proposed 8" line in Hoover to a 20" line in Hoover also required a revision of the alignment of the proposed water line in Hoover. As a result of this change, TranSystems requested additional design fee to cover their costs for such redesign. The proposed Supplemental Agreement provides for the additional design services.

Payment to TranSystems will be on a lump sum basis of \$6,100, and will be paid by special assessments and Water Utility.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

REPORTING SITE

DAY REPORTING SITE-LEASE GUARANTY ASSIGNMENT.

Agenda Report No. 05-1153

On January 8, 2002, the City Council approved a Lease Guaranty Agreement and Construction Funding Agreement. The documents were signed on May 31, 2002, by which the City guaranteed a 10-year lease by Webb Road Development, Inc., to Community Solutions, Inc. (CSI) for a Day Reporting facility at 703 E. 21st Street. This location had previously been approved by the Council as the preferred location for a Day Reporting Center in Wichita. BI Inc. has now been awarded the Department of Corrections contract to provide day reporting services in Wichita and desires to use the same facility, which was designed and constructed as a day reporting center. Webb Road Development Inc. and CSI desire to assign the lease of the facility to BI Inc. They request that the City continue to guarantee the lease under the same terms as previously approved.

Under the proposed assignment, BI assumes all of the rights and obligations of CSI for the lease of the day reporting facility at 703 E. 21st Street. The City agrees to continue to guarantee the lease with the new tenant during the remainder of the term. There is no change to the City's rights and obligations under the guaranty agreement.

The Assignment has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Assignment of Lease Guaranty Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 42

AREA LIGHTING

AREA LIGHTING FOR FIVE CITY PARKS. (DISTRICTS, I V, AND VI)

Agenda Report No. 05-1096

The 2005 Capital Improvement Program includes funding for area lighting in the City Parks.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of area lighting in five City Parks (McAdams, Orchard, Linwood, Park Villa and Sycamore). The Staff Screening & Selection Committee selected MKEC for the design on October 5, 2005.

Payment to MKEC will be on a lump sum basis of \$11,500, and will be paid by General Obligation Bonds.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

FOX RIDGE ADD.

FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH, WEST OF TYLER. (DISTRICT V)

Agenda Report No. 05-1097

The City Council approved the water distribution system and paving improvements in Fox Ridge Addition on October 4, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water and paving in Fox Ridge Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of 64,530 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

NORTH RIDGE

NORTH RIDGE VALLEY ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)

Agenda Report No. 05-1098

The City Council approved the storm water drainage improvements in North Ridge Village Addition on March 22, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of storm water drainage in North Ridge Village Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 43

Payment to MKEC will be on a lump sum basis of 18,600 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

BOYS/GIRLS CLUB

THE BOYS AND GIRLS CLUB INFRASTRUCTURE IMPROVEMENTS, NORTH OF 21ST STREET, WEST OF GROVE. (DISTRICT I)

Agenda Report No. 05-1099

The City Council approved the Boys and Girls Club infrastructure improvements (water distribution system, sanitary sewer and paving) on October 18, 2005.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of improvements consisting of water, sanitary sewer and paving in 21st Street Kids & Family Empowerment Addition. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$54,000 and will be paid by General Obligations Bonds.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

EVERGREEN 5TH

EVERGREEN FIFTH ADDITION, SOUTH OF 29TH STREET NORTH, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 05-1100

The City Council approved the water distribution system and sanitary sewer improvements in Evergreen 5th Addition on September 21, 2004.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond-financed improvements consisting of water and sanitary sewer in Evergreen 5th Addition. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$14,100 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 44

DRAINAGE OUTFALL FIRST AND SECOND STREET DRAINAGE OUTFALL, FROM WEST STREET TO THE ARKANSAS RIVER. (DISTRICTS IV AND VI)

Agenda Report No. 05-1101

On September 28, 2004, the City Council approved a construction contract for a storm water drain from West Street, along First and Second Streets, then north at Athenian to the Arkansas River at McLean. As a part of the project, a significant amount of existing pavement is being removed and replaced. The amount of pavement replacement needed at the intersection of 1st and Joann Street is greater than expected at the time the project was designed.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The cost of the additional work is \$10,912. The original contract is \$5,365,623. This Change Order plus previous Change Orders represents 2.63% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

KELLOGG INTERCH. KELLOGG INTERCHANGES AT MAIZE AND TYLER. (DISTRICT V)

Agenda Report No. 05-1102

On June 4, 2002, the City Council approved a construction contract to build freeway interchanges on Kellogg at Maize and Tyler. During construction of the project, a number of unforeseen items developed that should be addressed as a change order. They include additional costs associated with improved signage, pavement marking and landscape items. In addition, a duct bank for electrical wiring was lengthened due to a route adjustment.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The cost of the additional work is \$53,341, with the total paid by a combination of Local Sales Tax funds and Federal Grants. The original contract is \$48,122,938. This Change Order plus previous Change Orders represents .11% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 45

PROPERT ACQUISITIONS:

5900 E. CENTRAL

PART OF 5900 EAST CENTRAL, OLIVER TO WOODLAWN. (DISTRICTS I AND II)

Agenda Report No. 05-1103

On November 4, 2003 City Council approved a project to improve Central, between Oliver and Woodlawn. The improvement plans call for partial acquisitions of seven parcels. The seventh acquisition at 5900 East Central requires a 1,351.8 square foot strip take of land. The property is operated by the owner and situated on a 31,798 square foot site.

The property owner has agreed to accept \$20,940. \$5,665 for the acquisition of a permanent easement and loss of parking, \$8,350.09 for the cost to replace and set stores advertising sign and \$6,921 for the cost to reset the brick wall. The building improvements will not be impacted by this acquisition.

The funding source for the City share of the project is General Obligation Bonds with Federal monies. A budget of \$21,440 is requested. This includes \$20,940 for the acquisition, and \$500 for closing costs and title insurance.

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

724 E. OSIE

ACQUISITION OF 724 EAST OSIE AND 1647 SOUTH MEAD. (DISTRICT III)

Agenda Report No. 05-1104

These properties, 724 East Osie and 1647 South Mead, are within the Gilbert and Mosley Remediation boundaries and have been identified as part of an area that requires source control remediation for soil and groundwater contamination by the Kansas Department of Health and Environment. The remediation of this area will require unencumbered access to these properties and any improvements located on the sites. To assure this access, the City will acquire the identified and adjoining properties. These properties include a 30,000 square foot site, improved with a 5,000 square foot masonry building and a 3,150 square foot metal building. The site is currently leased to a construction services company.

The owner had the subject appraised on October 5, 2005 by an appraiser often used by the City. The appraisal valued the property at \$190,000. A copy of the report was made available to Property Management. A review of the document found the report to be reliable and creditable. The tenant will be relocated. Under Kansas relocation law, the tenant is eligible for reasonable moving and reestablishment costs. The site will be remediated and then used in conjunction with the remediation of the surrounding area. The use of the site after completion of the project will be determined at a later time.

The funding source for the City share of the project is General Obligation Bonds paid by the Gilbert and Mosley TIF. A budget of \$235,000 is requested. This includes \$190,000 for the acquisition, \$43,000 for tenant moving and reestablishment costs and \$2,000 for closing costs and title insurance.

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget; and the Real Estate Purchase Contracts be approved; the bonding resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 46

53RD ST. NORTH

PARTIAL ACQUISITION OF LAND AND EASEMENTS FOR THE NORTH AREA SEWER SANITARY LIFT STATION NEAR MERIDIAN AND 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-1105

On October 21, 2003, the City Council approved the construction, extension of a sanitary sewer line and pump lift station to provide service to newly developing areas in north Wichita. This project requires the acquisition of utility easements on 10 tracts of land for permanent easements and a lift pump station, utility easements to the facility and temporary construction easements on property owned by multiple landowners.

Due to unsuccessful negotiations to purchase the lift station site from the land owner, on November 15, 2005, City Council approved the adoption of the resolution and first reading the ordinance providing for the acquisition by eminent domain. The acquisition of the lift station site, access agreement and temporary construction easement was valued at \$125,325.

Since the initiation of eminent domain, City staff has continued to work with the landowner. The landowner has agreed to provide the necessary land for the lift station pump house in fee simple, access and temporary easements to the City for the appraised amount of \$125,325.

A budget of \$128,325 is requested. This includes the \$125,325 for the acquisition and cost-to-cure and \$3,000 for title work, closing costs, etc. The funding source is the sewer utility.

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Contract be approved and the Mayor authorized to sign the necessary documents. Motion carried 7 to 0.

5021 E. ORME

5021 EAST ORME FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 05-1106

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 5021 East Orme and is owner occupied. The site is 8,640 square feet and improved with a 1,336 square foot single-family residence.

The city had the property appraised in October 2005. The appraised value of \$67,500 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$72,250 is requested. This includes \$67,500 for the acquisition, \$4,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 47

1611 S. MERIDIAN

PARTIAL ACQUISITION OF LAND AT 1611 SOUTH MERIDIAN FOR HARRY STREET IMPROVEMENTS. (DISTRICT IV)

Agenda Report No. 05-1107

On September 20, 2005 the City Council approved the reconstruction of Harry Street from K-42 Highway to Meridian, to provide two through lanes and a center two-way left turn lane. Traffic signals and storm water sewer will also be upgraded. This project requires a partial acquisition on one tract.

The appraised offer of \$1,550 for the corner acquisition, cost to relocate the advertising sign and cost to cure on the parking lot was rejected by the owner. The owner countered at \$3,525. His basis for the increase was a difference in the cost to cure to relocate the advertising sign and parking lot reconstruction. City staff were presented with copies of the estimates for review. The counter offer of \$3,525 seems reasonable.

A budget of \$3,900 is requested. This includes the \$3,525 for the acquisition and cost-to-cure and \$375 for title work, closing costs, etc. The funding source is General Obligation Bonds.

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Contract be approved and the Mayor authorized to sign the necessary documents. Motion carried 7 to 0.

(Item 19F)
I-135 TO GW BLVD

ACQUISITION OF EASEMENTS FOR HARRY STREET IMPROVEMENTS, I-135 TO GEORGE WASHINGTON BOULEVARD. (DISTRICTS I AND III)

Agenda Report No. 05-1108

The City Council approved a project on January 14, 2003 to improve Harry, between I-135 and George Washington Boulevard. A 12"-15" storm sewer conduit will be installed as part of the project. This conduit will conduct Harry Street drainage from the Erie intersection to the recently constructed storm sewer system at Volutsia. This storm sewer design will assist in alleviating ponding near the Coke building. An easement is required from a property owner to allow optimum location of the system.

An offer of \$3,000 has been accepted by the property owner in exchange for a 1,479 square foot storm sewer easement.

A budget of \$3,000 is requested. The funding source will be the project budget provided by General Obligation Funds and Federal Grants administered by the Kansas Department of Transportation.

The Law Department has approved the Storm Sewer Easement as to form.

Council Member Skelton Council Member Skelton asked for a brief background on this item.

Jim Armour City Engineer reviewed the item and gave a brief background.

Motion--
--carried Skelton moved that the budget and the easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 48

POLICE RADIOS

POLICE MOBILE RADIOS.

Agenda Report No. 05-1109

Currently, Police has over 230 radios in police vehicles and over 630 hand held radios. These radios form a communication lifeline between the officer and the dispatch center and other officers on the street. Many of the mobile radios currently in use were purchased over a decade ago and are no longer manufactured by Motorola Inc. All new radios must be compatible with the 800 MHz radio systems. The Motorola radios are the only approved radios for this system.

Radios are increasingly becoming less reliable as they age. Repair parts are difficult to obtain for the out-of-production models, complicating repair efforts. The cost of updating all Police radios is \$3.2 million. On September 13, 2005, the City Council approved a capital project to fund \$640,000 to purchase Police radios. Funding another \$1 million to replace radios would allow all mobile in-car radios (many of which are nearly 15 years old) to be replaced, as well as the oldest hand held models. Transferring funds now would also reduce future CIP requests from the Police Department.

The Police Department budget is anticipated to be under spent by close to \$1 million. This is primarily due to turnover. Several positions have been vacant for long periods due to military leaves; in addition, a significant amount of retirements and other separations have occurred this fall. Since Police Officer positions are typically only filled once or twice a year (when a recruit class is held) an unexpectedly high number of retirements can produce significant short-term budgetary savings.

Purchases may utilize Government Entities Cooperative Contracts and Agreements Ordinance No. 38-122 Section 2.64.020 (j). The Motorola radios are available through the State of Kansas Contract #28440. Budget Adjustments in excess of \$25,000 require City Council approval.

Motion--

Mayans moved that the budget transfers of under expenditures up to \$1 million from the General Fund to the Police radio project and the purchase of radios from the State of Kansas Contract #28440 with Motorola, Inc. be approved. Motion carried 7 to 0.

--carried

DEFERRED COMP.

ADOPTION AGREEMENT WITH GREAT-WEST LIFE AND ANNUITY INSURANCE COMPANY, TO AMEND THE CITY OF WICHITA EMPLOYEE'S DEFERRED COMPENSATION PLAN DOCUMENT.

Agenda Report No. 05-1110

In December 2001 and September 2002 the City Council took actions to adopt certain substantial provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) in order to be in compliance with EGTRRA by January 1, 2002. The final regulations under Internal Revenue Code §457 were then issued on July 11, 2003. These final regulations provide additional guidance for complying with the all provisions and rules of EGTRRA and consist of mainly format and minor administrative changes, which are now required to be incorporated into plan documents by December 31, 2005 in order to guarantee the tax status of the plan. To assist plan sponsors with updating plan documents, the IRS issued Revenue Procedure 2004-56 containing model amendments for governmental §457 plans. Great-West has utilized the IRS model language to update the Model Plan document and Adoption Agreement for the City of Wichita Employee's Deferred Compensation Plan.

At its regular fourth quarter meeting held November 10, 2005, the Deferred Compensation Board adopted the Great-West restated Model Plan Document which incorporates the IRS model language. A new Adoption Agreement is also necessary to enable the Plan's third party administrator, Great-West Life and Annuity Company to utilize the amended Plan Document.

There are no costs associated with this action.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 49

The Law Department has approved the Adoption Agreement as to form.

Motion--
--carried

Mayans moved that the amended Plan Document be approved and the Mayor authorized to sign the Adoption Agreement. Motion carried 7 to 0.

(Item 22) THE ARTS

PERFORMANCE CONTRACTS FOR THE ARTS.

Agenda Report No. 05-1111

On February 8, 2005 the City Council approved the formation of the Cultural Funding Committee consisting of 11 members. Members of City Council appointed 7 members. The Arts Council appointed 4 members. The committee consisted of representatives from government, education, business, philanthropy, arts organizations and the public at large. The committee was assigned the responsibility to make recommendations to members of City Council on allocation of additional performance funding for Tier II and Tier III arts and cultural organizations in the amount of \$719,000.

The City must protect its current investments in the Tier I organizations that have become an integral part of our community's culture. Through historical agreements, the City has made substantial investments in these and other facilities to purchase, promote, and maintain them. Funding was allocated by a tiered system:

§ Tier I – Existing organizations currently receiving City funds. These organizations are Wichita Art Museum, Botanica, Historic Wichita Sedgwick County (Old Cowtown Museum), Mid-America All-Indian Center, Arts Council, The Kansas African American Museum, and the Wichita-Sedgwick County Historical Museum. These organizations, with boards of directors, are non-profit agencies that have private/public partnerships with the City of Wichita.

§ Tier II – Established (including Tier I organizations) and emerging organizations with annual operating budgets of \$500,000 or more.

§ Tier III – Established or emerging organizations with annual operating budgets less than \$500,000.

The Cultural Funding Committee reviewed applications from 34 Tier II and Tier III art and cultural organizations during the approved review process April – May 2005. 25 Tier II and Tier III, out of the 34, were recommended for the allocation of additional funding. The 25 Tier II and Tier III organizations were then approved by the City Council as part of the 2006 budget approval process on August 9, 2005.

Approval of Performance Contracts will provide the City of Wichita with a fair and equitable contract in which to measure performance based outcomes of all 32 Performance Contracts, which include Tier I, Tier II, and Tier III funding for art and cultural organizations. Performance goals assist in supplying accountability and assurance of the use of City funding allocated appropriately with measurements. Funding recommendations below:

Tier I:

Organization	2006 Current Annual Funding
Wichita Art Museum, Inc.	\$1,279,960
The Kansas African American Museum	\$2,250
Wichita-Sedgwick County Historical Museum	\$82,140
Historic Wichita Sedgwick County, Inc. (Old Cowtown Museum)	\$241,850
Arts Council	\$6,540
Mid-America All-Indian Center	\$57,900
*Botanica	\$232,500

*No contract for annual funding with Botanica due to its classification as a division of the City of

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 50

Wichita Parks and Recreation Department. Performance measurements are already in place within the department and a contract is not necessary.

Tier II:

Organization	2006 Additional Funding
Wichita Art Museum, Inc.	\$100,000
Botanica, The Wichita Gardens	\$39,000
Historic Wichita Sedgwick County, Inc. (Old Cowtown Museum)	\$94,000
Exploration Place	\$62,500
Wichita Symphony Orchestra	\$40,000
Edwin A. Ulrich Museum of Art	\$25,000
Music Theatre for Young People	\$5,000
Wichita Grand Opera	\$10,000
The Orpheum Performing Arts Centre, Inc.	\$48,500
Decorative Arts Collection	\$10,000
Total	\$434,000

Tier III:

Organization	2006 Additional Funding
The Kansas African American Museum	\$75,000
Opera Kansas	\$7,500
Desperate Character Theatre Troupe	\$3,000
Wichita Chamber Chorale	\$5,000
Kansas Firefighters Museum	\$10,000
Storytelling Institute	\$5,000
Museum of World Treasure	\$20,000
Ballet Wichita	\$7,000
Wichita Asian Association	\$7,000
El Pueblo Neighborhood Association	\$7,500
Chamber Music at the Barn	\$30,000
Arts Partners, Inc.	\$35,000
Theatre on Consignment	\$3,000
Kansas Aviation Museum	\$50,000
Wichita-Sedgwick County Historical Museum	\$13,000
Total	\$278,000

Finance department has reviewed the proposed contract specific to performance goals and measurements.

Law department has prepared and approved the form of the proposed contract.

Council Member Martz

Council Member Martz stated that he has a concern with three of the suggested contributions, which is the \$62,500 to Exploration Place and his concern is that the City is already making a fairly sizable contribution them in the form of maintenance, lawn care, etc. and feels that it should be an either or situation. Either we give them the \$62,5000 or if they want to use it for maintenance, etc. would be one way but has a problem contributing to both the costs, which would be in the neighborhood of a hundred thousand dollars. Stated that the second one is the Museum of World Treasures for \$20,000 and that the additional \$20,000 is that on the original contract with the Museum, there was a conflict with the original contract that we had and a shortfall a few months ago, we agreed to forgive the back payments that they did not have and now we are asking for not only forgiving that money, but adding another \$20,000 to it. Stated that the third one is the Chamber Music at the Barn for \$30,000 and even though their corporate headquarters is located within the city limits of Wichita, their activities are done in the City of Maize and this is Wichita tax payer's money that we are distributing and does not feel that it should be used on activities outside of the city limits. Stated that he is not asking that the total amount of \$712,000 be reduced by this amount but that these three that have been mentioned, not be included and that money be redistributed within the various organizations that are on the list or go back to the Committee and ask them to redistribute this money to other activities.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 51

- Council Member Fearey Council Member Fearey stated that she would like to see the Council go ahead and approve this as it is presented. Stated that it is a new program and will have kinks that need to be worked out and feels that it should be approved and then later work out the kinks for next time. Stated if more restrictions need to be placed on what groups can be funded, we need to let the Arts Council know that.
- Council Member Skelton Council Member Skelton stated that we should defer this issue. Stated that he sees some good things but also sees some things that he disagrees with. Stated that he also has concerns regarding the distributions and would like the opportunity to visit with the other Council Members regarding this.
- Mayor Mayans Mayor Mayans stated that the Council set up this committee to look at funding precisely because the Council could not come to some kind of agreement because there are so many worthy organizations. Stated that the Council set up this committee to take the politics out of the contributions and that the committee has worked very hard and the organizations have already budgeted and looked at this funding for their budgets. Stated that the Council should support what they have done and that this is very important for our community. Stated that we will get back with the Cultural Arts Committee and express some of our concerns and see whether they can look at these types of venues in a different way next time.
- Council Member Schlapp Council Member Schlapp stated that the committee has spent lots of hours and that their request is that they have spent a lot of time and that the Council approve this and that next year they will come back and discuss and except any changes that the Council might have. Stated that we need to move ahead on this and that it is extremely important to the community.
- Council Member Brewer Council Member Brewer stated that when we selected this Arts Council, we asked them to help us put together the criteria for this and we were specific on some of those ideas and suggestions and they did the best that they could and did an outstanding job. Stated that he feels we could never do enough for the arts. Stated that we need to commend the Arts Council for their job and performance and making these recommendations and move forward.
- Council Member Gray Council Member Gray stated that he also thinks that the Arts Council and City Staff have worked hard on this and did this process with extreme dedication. Stated that the suggestions made today are something that should be taken into consideration as the Council defines and outlines how dollars should be appropriated next year. Stated that now is not the time to reapportion that money, but take the information that we have and move forward with this action and look to review these suggestions for next year.
- Council Member Fearey Council Member Fearey stated that she cannot support a deferral this morning.
- Council Member Martz Council Member Martz stated that he is supportive of this but that the reason he brought these issues up today is that he does not feel that the Council has gone through the process of having an opportunity to discuss these. Stated that he appreciates the time spent and the commitment made but at the same time feels that it is the Council's obligation to look at all recommendations as though this were any other project that they would look at and if we do not agree with the particular expenditures, should have an opportunity to change that.
- Council Member Skelton Council Member Skelton stated that he feels that he has not had an opportunity to discuss this issue with the Council Members and that it is the Council's duty to approve these recommendations and that his is going to discharge that duty today by voting no because he has not had the opportunity to discuss this with the other Council Members and that he has some concerns.
- Motion-- Mayans moved that the 32 Performance Contracts, for Tier I, Tier II, and Tier III art and cultural
--carried organizations, for the 2006 budget year be approved. Motion carried 5 to 2, (Nays-Martz and Skelton).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 52

PLANEVIEW IMP. PLANEVIEW WATER SYSTEM IMPROVEMENTS. (DISTRICT III)

Agenda Report No. 05-1112

The 2005 adopted Water Utility Capital Improvement Program provides for improvements to the water system in Planeview. Water mains were recently replaced and relocated in various portions of Planeview because the old mains were leak prone. The water mains were relocated from the backyards into street rights-of-way where maintenance of the mains will be more convenient and less expensive.

Authorized improvements include the installation of new consumer lines by a licensed plumber. All new consumer lines are to be metered, as previously some individual accounts were not. Metering the old flat-rate accounts will reduce unaccounted for water and is a conservation measure recommended by the State of Kansas. The Wichita Water Conservation Program includes the state's conservation recommendation.

Capital Improvement Program, Planeview Consumer Line Improvements (CIP W-70) has a budget of \$100,000 for 2006 and will be funded from future revenue bonds and/or Water Utility cash reserves.

The Resolution has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the project expenditures for 2006 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-633

A Resolution of the City of Wichita, Kansas Declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$100,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SAN. SEWER MAINS SANITARY SEWER MAINS FOR FUTURE DEVELOPMENT.

Agenda Report No. 05-1113

This project is included in the ten-year Capital Improvement Program as sanitary sewer extensions to serve future developments, newly annexed areas and to provide for the City's share of costs to construct new sanitary sewer mains to serve existing areas without sewer service. These funds are used to plan, model, design, construct, and/or relocate sanitary sewers for future growth.

The Sewer Master Plan indicates the future needs to expand the sanitary sewer service area. This project is in support of the City of Wichita Sewer Master Plan.

Capital Improvement Program (CIP S-5), Mains for Future Development, has a budget of \$2.5 million for 2006 and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

The Resolution has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the project expenditures for 2006 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 53

RESOLUTION NO. 05-634

A Resolution of the City of Wichita, Kansas Declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$2.5 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

WATER MAINS

WATER DISTRIBUTION MAINS FOR FUTURE DEVELOPMENT.

Agenda Report No. 05-1114

This project is included in the ten-year Capital Improvement Program to serve future developments and newly annexed areas. It provides for the City's share in funding the installation of new water mains. These mains serve as the backbone of the system and establish the current service area of the water distribution system.

The Water Master Plan indicates the need to extend the water distribution system where future growth and development is occurring. This is primarily due to growth outside of, or in addition to, the growth area of the city that was anticipated at the time the Water Master Plan was prepared. The projects are identified when a petition for water system extensions is received. The water utility then pays for links and over sizing of the water system in developments. Additionally, funds are used to design and relocate water mains for future Public Works projects.

Unidentified Water Mains (CIP W-65) has a budget of \$2 million in 2006. It will be funded from future revenue bonds and/or Water Utility cash reserves.

The Resolution has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the project expenditures for 2006 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-635

A Resolution of the City of Wichita, Kansas Declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$2 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 54

BUS PURCHASE

PURCHASES OF FIVE (5) BUSES.

Agenda Report No. 05-1115

On January 23, 2001, the City Council approved a bus replacement plan that called for Wichita Transit to be able to purchase 30' Optima low-floor buses and 35' and 40' Gillig standard-height and low-floor buses, depending on operational needs. These contracts also made available options for WT to purchase more buses for up to five years, as needed, to ultimately replace its entire aging fleet. On July 19, 2005, the City Council passed the Capital Improvement Program for 2005-2014. In accordance with the City CIP, WT will be replacing five (5) of its 1997 RT-52 buses, since they have reached their useful life according to the Federal Transit Administration's capital replacement guidelines. These 1997 buses represent the last of WT's older fleet.

WT will utilize its bus purchasing options from 2001 and opt to purchase one (1) 30' Optima at \$269,111, and four (4) 40' Gilligs at \$308,288 each. The reason for the purchase of four 40' Gilligs is to accommodate heavier loads for WT's more productive routes, and the bigger loads for big-event shuttles, especially once the downtown arena is built.

The total cost of the 5 buses is \$1,502,263. FTA grants totaling \$1,180,414 will be matched with KDOT and/or local Transit Fund funding of \$321,849. Currently the City is awaiting the grant awards. Although the grant awards have not been made at this time, the City can reasonably expect the necessary approvals and awards to implement the bus purchase plan.

A bonding resolution has been prepared to provide temporary bridge financing for the entire purchase so the purchase can be made immediately, and to allow the City to handle cash flow. Placing the order prior to year-end will allow the City to take advantage of 2005 pricing, and avoid the physical changes that will be incorporated in the 2006 models. Transit funds will be used to reimburse the project costs. Depending on the cost of fuel and other variables, the Transit Fund may be able to begin repayment once 2005 year-end balances are known. Resolution publication and temporary note interest costs will also be repaid by Transit.

The City's Law Department will review the contract as to form prior to execution. The bonding resolution has been reviewed and approved as to form.

Motion--

Mayans moved that the purchase of one Optima bus and four Gillig buses, not to exceed \$1,502,263 be approved; the bonding resolution adopted; the budget transfers authorized and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-636

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such improvements; authorizing and providing for the making and financing of the improvements in accordance with the findings of the governing body; and directing the publication of this resolution., presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 55

GOB/NOTE SALE

GENERAL OBLIGATION BOND AND NOTE SALE.

Agenda Report No. 05-1116

The City is planning to offer for sale one series of general obligation temporary notes totaling \$62,300,000 (Series 215), two series of general obligation bonds (Series 784 and Series 785) totaling approximately \$26,435,000 for the purpose of providing permanent financing for capital improvement projects of the City. The public sale of the bonds and notes is scheduled for 10:30 a.m. on January 10, 2006, at which time sealed bids will be opened and the City Council will award the sale of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

The City's Winter 2006 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 215 Temporary Improvement and Renewal Notes will be used to provide interim financing for City-at-large and improvement district projects.

Special Assessment Bonds

The proceeds from the sale of the Series 784 Bonds will be used to permanently finance neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 784 Bonds. The Special Assessment Bonds, Series 784, will be issued in the par amount of approximately \$19,630,000.

Storm Water Utility Bonds

The proceeds from the sale of the Series 785 Bonds herein referred to, as the "Storm Water Utility Bonds" will be used to permanently finance certain City-at-large storm water utility projects. The Storm Water Utility Bonds will be issued in the par amount of \$6,805,000.

The City of Wichita awards the sale of bonds and notes to the bidder with the lowest true interest cost, or "TIC". Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in the City saving money because TIC does not ignore the timing of interest payments.

The Series 215 Temporary Notes will mature on August 10, 2006 and will be retired using the proceeds of both permanent financing bonds, renewal notes and cash.

The Series 784 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 784 Bonds are payable from the collection of special assessments levied against benefiting properties, and if not so paid, from citywide ad valorem taxes. The Series 784 Special Assessment bonds will be callable in 2013 with a 1% call premium.

The Series 785 Storm Water Utility Bonds will mature serially over 10 years with principal maturities structured to produce level annual payments of principal and interest. The Series 785 Storm Water Utility Bonds are payable from the Storm Water Utility's monthly ERU fees. The Series 785 Bonds will be callable in 2011 with a 1% call premium.

The Law Department has approved the Resolutions authorizing the sale of the series of bonds and notes and will direct the publication and distribution of the Notices of Bond and Note Sale (prepared by the City's Bond Counsel as required by law).

Motion--

Mayans moved that the resolutions authorizing general obligation bond and note sales be adopted; the submittal of the Preliminary Official Statement upon completion approved and the publication of the Notices of Sale authorized. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 56

RESOLUTION NO. 05-637

A Resolution of the City of Wichita, Kansas, authorizing and providing for the public sale of General Obligation Renewal and Improvement Temporary Notes, Series 215 and General Obligation Bonds, Series 784 and Series 785 of the City; and providing for the giving of notice of the public sale, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CHECK COLLECT

CHECK COLLECTION SERVICES.

Agenda Report No. 05-1117

The City has a contract with KCI to recover insufficient fund checks presented to the City of Wichita for payment of primarily water and traffic related items. The contract with KCI expired on September 30, 2005. The City issued a Request For Proposal (RFP) for check collection service and needs assessment. The City is in the process of evaluating proposals and reviewing new procedures due to technology and process improvements. Rather than re-bid a new vendor contract for Check Collection Services, during the review transition; it is recommended the City extend the existing contract for one (1) year. There is no cost currently to the City for check collection services. The contract vendor receives their commission from the customer.

Discussions with Water & Sewer, Municipal Court and Treasury have indicated a continuing need for check collection services for these departments who have a large volume of returned checks during the review transition. A sufficient amount of time needs to be scheduled to incorporate all required changes.

There is no cost for this service.

The Department of Law will review and approve as to form the contract extension.

Motion--

Mayans moved that a one (1) year contract extension for KCI for Check Collection Services be approved and the Purchasing Manager to sign the contract amendment authorized. Motion carried 7 to 0.

--carried

RR UTILITY

GRANTING OF RAILROAD UTILITY EASEMENTS ON SANTA FE STREET, BETWEEN 16TH STREET NORTH AND 17TH STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-1118

As part of the Central Corridor Railroad construction, two additional railroad easements are needed to locate signal houses in the closed section of Santa Fe Street between 16th Street North and 17th Street North. These easements will avoid the construction costs of adding additional retaining walls that would be necessary for placement of the signal houses atop of fill.

The street closure has already been approved by Council and closed as part of the project. The above-described easements do not constitute an alley vacation or abandonment and the City shall retain all rights and uses currently enjoyed.

No financial costs will be incurred by the City by granting these Railroad Utility Easements.

The Law Department has approved the Railroad Utility Easements as to form.

Motion--

Mayans moved that the Railroad Easements be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 57

AUTO. METER

WATER DISTRIBUTION MAIN REPLACEMENT (W-67) AUTOMATED METER IMPLEMENTATION, PH 2 (W-552)

Agenda Report 05-1119

The approved 2006 Capital Improvement Program includes \$5 million for the replacement of water lines that either leak frequently or are too small to meet current demands. Specific lines to be replaced are identified on an ongoing basis by Public Works engineers and Water & Sewer staff.

In addition, the Department has been systematically replacing aging water meters, which lose revenue, with new meters that are equipped with electronic read devices enabling remote read access. An initial project confirmed the viability of the product. The first phase of implementation was successfully completed this year, accomplishing significant savings in staff time and improved meter reading.

Distribution main replacement is essential for maintaining the water system infrastructure, decreasing the number of water main breaks, reducing water system maintenance costs, and improving customer service.

Staff has now identified a second phase of the Automated Meter Implementation. Approximately 7,650 1" meters are at least 20 years old, and another 7,130 are 15 years or older. Using \$2.9 million over a two-year period would enable the utility to replace these meters with electronic read meters.

Staff also proposes spending \$250,000 annually, beginning in 2008, to replace meters as they reach the end of the 15 year warranty period. This cost would be part of the operating budget, and would reduce the need for wholesale replacements.

Distribution Main Replacement Program (CIP W-67) has an approved budget of \$5,000,000 in 2006 and 2007. Staff recommends reducing that to \$3.55 million each year and using the \$1.45 million (total of \$2.9 million) to replace meters (W-552, Automated Meter Reading Implementation, Phase 2).

Both projects will be funded from future revenue bonds and/or Water Utility cash reserves.

The Resolutions have been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the expenditures for 2006 be approved; the Resolutions adopted; the CIP modified and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-638

A Resolution of the City of Wichita, Kansas Declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$3.55 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-663

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$2.9 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 58

CONDEMNATION AWARD

PAYMENT OF CONDEMNATION AWARD, CASE NO. 05-CV 683, KELLOGG AND ROCK ROAD. (DISTRICT II)

Agenda Report No. 05-1120

The City Engineer has identified the need to acquire a tract of land located along the west and north sides of the tract of land located at the southeast corner of Kellogg and Rock. This tract of land is owned by J. Larry Fugate and Dana M. Fugate. It is developed with a building that houses tenants--- Blockbuster Video and T-Mobile. The City was unable to negotiate an acquisition of the necessary easements for street right-of-way with the owners and tenants. Earlier this year the City initiated eminent domain proceedings to acquire this property. On November 10, 2005, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of the property to be \$75,500.00. The court awarded the three appraisers fees in the amount of \$ 5,500.00 each. Court costs are \$111.

In order for the City to acquire this property, it must pay the award, together with fees and costs, to the Clerk of the District Court.

The costs of acquiring these properties will be paid from the Kellogg Project fund.

The acquisition of this right-of-way is necessary to the efficient and proper construction of the intersection of Kellogg and Rock Road. If payment is not made to the Clerk of the District Court, the eminent domain is deemed abandoned.

Motion--

Mayans moved to authorize and ratify the payment to the Clerk of the District Court in the amount of \$75,500 for acquisition of property interests condemned in Case No. 05 CV 683 and in the amount of \$16,611.00 for appraisers fees and court costs for a total payment of \$92,111. Motion carried 7 to 0.

--carried

BUDGET

YEAR-END BUDGET ADJUSTMENTS AND TRANSFERS.

Agenda Report No. 05-1121

The City of Wichita's fiscal year operates on a calendar year basis. At year-end, various budget adjustments are typically necessary to allow the City to accomplish fiscal year-end closing. Any adjustment over \$25,000 requires authorization by the City Council.

There are eleven areas where year-end budget adjustments are requested to facilitate year-end closing and/or to efficiently use 2005 appropriations.

The 2005 Ice Storm project has been completed, and project closeout is pending. On January 6, 2005, the Council approved the use of the General Fund for expenses that would not be absorbed in department budgets. Amounts not absorbed in departmental budgets totaled \$6 million. A total of \$5.7 million is eligible for FEMA reimbursement. A transfer from the General Fund to the Ice Storm project of up to \$300,000 (pending final closeout) is necessary and consistent with the Council's January 6, 2005 action.

Because the final payroll of the year spans two fiscal years, to properly account for vacation and payroll, accrual adjustments are made, as necessary, to place salary and benefit expenditures in the correct fiscal year prior to closing out the current year. In the case of vacation accrual, these adjustments are made (when necessary) to reflect the increased liability of City employee accrued leave within the year it is accrued. Because the first payroll in 2006 will include some payment for time actually worked in the prior fiscal year, payroll accrual adjustments are made to properly reflect the actual amount of wages and benefits earned in the 2005 fiscal year rather than when the actual amounts are paid to employees. To facilitate year-end closeout and address any accrual adjustments or other personal services expenditures that might cause year-end budget failures, authority to use up to \$150,000 from reserves is requested.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 59

There is expected to be approximately \$50,000 of unused training appropriation in the 2005 Adopted Budget. It is recommended this under expenditure be transferred to a project account for future employee training.

Two adjustments are necessary in the Water and Sewer Utility. An abnormally large number of line breaks occurred in 2005, due to heavy pumping volume. Contingency funds are budgeted for this potentiality. A budget adjustment of \$150,000 from contingency is required. In addition, the utilities typically install, maintain and modify 1,900 miles of water mains (ranging in size from two inch to 24 inch), 12,000 fire hydrants, and 40,000 water valves annually. Funds for installation and replacement are budgeted as commodities; however, it is often necessary or sometimes more efficient to have these services done by contractors (rather than by City staff). A shift of \$250,000 from commodities to contractals is necessary.

Central Inspection (OCI) is facing a shortfall in contractals, due to higher than anticipated condemnation costs. Asbestos removal costs have increased 20-30% in the past year, and residential condemnations requiring asbestos removal now typically run at a minimum of \$5,000. In addition to the cost factor, there are still at least 12 condemnations, asbestos surveys, demolitions and other neighborhood cleanups in the pipeline. OCI condemnation and demolition expenditures are well within the limits jointly agreed to between WABA and OCI in Resolution 95-560, and the consequences of not completing these condemnation projects on time may result in increased citizen complaints, reduced neighborhood safety, and unwanted growth in the condemnation backlog. OCI has salary savings available with which to make up this shortfall. Estimated needs for the contractals area are \$35,000.

Custodial services costs have exceeded budget for two reasons. First, Building Services has had difficulty keeping authorized positions filled and fully utilized throughout the year and has had to substitute contractual or temporary help. Secondly, the unseasonably pleasant weather of the past couple of months allowed Park outbuildings to be kept open longer than originally anticipated. Although the availability of Park facilities provides a public service, it also generates costs for keeping the facilities clean. By year-end, custodial costs are expected to exceed budget by \$140,000. Funds are available within other line items in the Public Works budget to offset the over expenditures.

The compound effect of 9/11, the ensuing local recession, and the recent Katrina/Rita natural disasters have displaced a great deal of the area's giving to non-profit enterprises. An area particularly impacted has been funding for culture and arts. Consequently, there has been a transitory period of substantial hardship for many of the community's cultural venues. The City Council has already partially responded to this impermanent situation by providing one-time additional resources in the 2006 Budget. It is recommended that an additional amount of up to \$500,000 from year end savings be set aside in a project account to provide culture and arts support in 2007.

The Wichita Art Museum experienced frequent employee turnover in 2005, resulting in salary savings. One consequence, however, is that some expenses were shifted to contractals due to reliance on temporary services to maintain minimum daily staffing. This was further compounded at the Museum by other higher than anticipated operating costs (especially utilities). The Wichita Art Museum is requesting up to \$120,000 in salary savings be reprogrammed to contractals to offset these expenses. Because the Museum operates within its own Special Revenue Fund, any unexpended portion of their 2005 appropriation will roll to cash balance in the Art Museum Fund and would be re-appropriated in future years. Executing a budget adjustment now makes the funding available to the Museum this year.

Due to hurricanes Katrina and Rita, energy prices have risen considerably higher than the amounts budgeted. This has impacted several budgets in the areas of fuel and utilities (natural gas). The estimated General Fund impact for utilities is \$25,000. The estimated impact for fuel is as much as \$500,000 for General Fund operations with Fleet Fund vehicles, which includes all the Police patrol vehicles and Public Works trucks. Other General Fund operations (with non-Fleet Fund vehicles and which pay for fuel directly), such as Fire (fire apparatus) and Police (helicopter), have been impacted by as much as \$125,000, for a total energy price impact of \$650,000 in the General Fund.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 60

Non-General Fund operations – Transit, Golf, Water, and Sewer – have also been impacted by a combined \$215,000. It is recommended that budget adjustments be authorized for up to \$650,000 within the General Fund, \$50,000 in the Transit Fund, \$60,000 in the Golf Fund and \$125,000 in the Water and Sewer Utility Funds to address fuel and utility issues. It is further recommended that the Fleet Fund be authorized to make adjustments from contingency to pay for the extraordinary fuel costs, which will be offset by additional revenue received from the affected departments described above.

The City Manager's Office has been providing management and staffing support to the Mid-American All-Indian Center in 2005. This support has increased contractual expenditures beyond the budgeted levels by approximately \$40,000 (contracted staffing is used). To provide expenditure authority for these staffing costs, a transfer of other line item savings within the City Manager's budget is proposed. Expenditures are offset by revenues from the MAAIC, there is no net impact on the General Fund.

To the extent possible, budget adjustments will be made from resources within the impacted departments. General Fund departments that have insufficient under expenditures elsewhere will use appropriated reserves. The fuel rate adjustment in the Fleet Fund would increase expenditure levels, but not beyond the amount certified for this fund and will be offset by additional revenue from the operating departments' budgets.

Budget adjustments in excess of \$25,000 require City Council approval. Adjustments will be within certified expenditure limits for each fund.

Motion--carried

Mayans moved to approve the budget adjustments and transfers. Motion carried 7 to 0.

INSURANCE PROG. 2006 INSURANCE PROGRAM.

Agenda Report No. 1122

Annually the City places a number of insurance policies to provide coverage for risks to the City of Wichita and its employees. These policies include property, data processing, boiler/machinery, burglary/theft, employee dishonesty, excess workers compensation liability and helicopter general liability. In addition, to administer the Risk Management program, various services are contracted including outside appraisal services, software support, medical bill review, and nurse case management for workers compensation, employment physicals, drug tests, vehicle rental services for private claimants, and several medical service providers for workers compensation.

On December 7, 2004, the City Council approved a contract for insurance placement services for property and casualty insurance with Marsh, USA. The City opted to renew Marsh, USA's contract for placement of all applicable 2006 insurance policies. Four insurance policy renewal dates were amended to reflect one common effective date of January 1 for all City insurance policies in 2006.

To protect City assets, reduce the risk exposure and administer the Risk Management program, the City has placed the following insurance coverage and maintains the following contracts. The cost of these insurance policies is included in the Comprehensive Annual Financial Report. The 2006 insurance program is as follows:

Purchased Insurance: Insurance - All City owned buildings (approximately 250) and contents are covered against perils. The total insurance value is in excess of \$456 million and is placed with Allianz Insurance Company. The premium is \$402,703 annually. The City maintains a separate policy for property, liability and boiler insurance on behalf of the Public Building Commission on the State Office Building. Property coverage limits are \$31.6 million, with an additional \$4 million in business interruption insurance. In addition, the Public Building Commission policy also includes general liability coverage of \$2 million. These coverage's are placed with St. Paul Travelers with premiums totaling \$53,047.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 61

Workers Compensation Insurance (Excess Coverage) - The City self-insures exposure to Worker's Compensation costs, as permitted under KSA 44-505(f). However, the City does purchase excess worker's compensation coverage (as required for self-insured's by KAR 51-14-4) with retention of \$750,000 per occurrence. The annual premium is \$152,823 and this insurance is placed with Safety National Casualty Insurance Company.

Crime (Burglary/Theft) Policy - This policy covers losses due to employee theft, due to other theft or robbery, due to forgery of documents, due to computer fraud (fraudulent transfers of funds) and due to acceptance of counterfeit currency or money orders. Depending on the type of loss, policy limits range from \$500,000 to \$1 million. The premium cost is \$22,038 for a three-year policy (\$7,346 annually) and the policy is placed with Hartford Fire Insurance Company.

Travel Accident Insurance - This policy provides insurance against the loss of life or limb of City employees and elected officials while traveling outside of the City. Class I employees (City Manager and City Council) are covered for any travel outside of the City. Class II employees (all other City employees) are covered for bona fide business travel outside of the City. The aggregate policy limit is \$500,000, with the loss per individual limited to \$100,000. If more than 5 individuals were subject to the aggregate limit, the policy limit would be split proportionately among the claimants. Travel policy exclusions are generally limited to piloting or being a member of a flight crew, if an aircraft is used for aerial photography or test purposes, if the aircraft requires a special permit from the F.A.A., or if the aircraft is operated by the City. The premium cost is \$1,700 annually and the policy is placed with Zurich American Insurance Company.

Helicopter Liability - The City maintains liability and hull insurance on the MD 500E helicopter operated by the Police Department. Liability insurance of \$500,000 per occurrence is included, as well as \$12,000 in medical payments per occurrence. The helicopter hull is insured for \$1.2 million, with a \$10,000 deductible. The helicopter insurance premium is \$49,249 annually and the policy is placed with AIG Insurance Company.

Art Collection - The Wichita Art Museum maintains coverage on the fine arts collections. This policy provides \$70 million in coverage for art within the Museum, as well as \$20 million for art in transit or at other locations. The coverage amount is less than the estimated \$125 million appraised value of the collection. However, the insurance coverage is based on a "Probable Maximum Loss" study performed by Huntington Block Insurance for fire and tornadoes that may affect the Wichita Art Museum. The study is based on the fact that not more than 2/3 of the art collection (or less) is actually displayed at any given time. The rest of the art collection is stored in a hardened vault and is protected from loss. The premium cost is \$27,065 annually and the policy is placed with 50% - 50% with ACE American Insurance Company and AXA Art Insurance Corp.

Airport General Liability - The Airport has maintained \$50 million in primary general liability coverage and a secondary \$50 million excess general liability policy. The primary policy is written through ACE, USA with an annual premium of \$42,973. The excess policy is written through Lloyds with an annual premium of \$24,432.

Airport Underground Storage Tanks - The Airport maintains environmental liability insurance on 24 underground storage tanks at the airport. Liability limits are \$1 million per incident. The annual premium is \$3,777 and placed through Great American Alliance Insurance company. This insurance protects against environmental loss only. In the event of an accidental property loss, coverage would be afforded through the City's Property and Casualty insurance policy.

Airport Skycap - On January 1, 2006, the City will cancel the existing Skycap policy. Airport staff has renegotiated the existing contract between the current skycap vendor, Harrison Armstrong, to require Mr. Armstrong to purchase his own skycap liability insurance effective January 1, 2006.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 62

Federal and Out of State Excess Liability - The City has solicited quotes for placing Federal and Out of State Excess Liability insurance. This coverage does not cover the misuse of federal funds. The coverage applies to Federal lawsuits and out of state lawsuits where the Kansas Tort Claims Act does not protect the City of Wichita. This coverage is often maintained in cities similar in size to Wichita to serve as a backstop for significantly high cost liability exposures.

Some of these exposures are, but not limited to: civil rights violations and actions brought on by laws of other states, such as out-of-state automobile accidents. Coverage with a \$5 million limit and a \$500,000 deductible is available for a \$530,000 annual premium. Staff will perform additional market research, aimed at clarifying risks for carriers and attempting to secure a lower premium, staff anticipates presenting this item to the City Council in the future.

Self Insured Risks - The City self-insures for general liability using a Tort Fund administered by the Department of Law. Funding for the Tort Fund is provided through the general fund and water and sewer funds. Automobile liability is self-insured by the City, as is workers compensation (other than the excess coverage noted above). Contracts The City currently utilizes Via Christi/Riverside to provide comprehensive pre-employment physicals and AMS Laboratory for drug tests on all potential employees. Corvel services are used for workers compensation claims that require nurse case management and to re-price billings when utilization is through the providers' network. Corvel charges an hourly rate for nurse case management and a cost per line and a percentage of savings for the re-pricing of City medical bills. The City pays Corvel 25% of the savings Corvel achieves via greater negotiated discounts with medical providers than can be negotiated independently by the City. Heartland MRI is used for all imaging services required for diagnosis of work related injuries. The negotiated fee for these services is \$600 per MRI, including the read. This reflects an approximate 50% savings over the State of Kansas mandated fee schedule for these services. Other MRI vendors may be used, but only if dictated by medical necessity. All required physical therapy for work related injuries is provided by TheraCare on a negotiated fee structure of 75% of the state mandated fee schedule.

Harrington Appraisals provides damage estimates on private claimant's cars and vehicle and salvage valuations on all total losses. The City has also negotiated a rate of \$19.99 per day with Enterprise Rent-A-Car when the City is required to provide substitute transportation while a private claimant's vehicle is being repaired.

The self-insured worker's compensation and automobile physical damage programs utilize Risk Master World software to log claims, initiate payments and prepare reports. The annual support software fee to Mynd Corporation F/K/A Cybertek, is \$14,999.25. An annual actuarial review of the Self Insurance Fund reserves is conducted. The current provider is Pinnacle Actuarial Resources, Inc, at an annual amount of \$7,500.

The premiums for the insurance policies and related programs and services are appropriated in the adopted budget. Several premium costs are re-allocated to Departments through the establishment of auto liability, building and contents, and workers compensation insurance rates. Coverage for the Police helicopter is budgeted and expended in the Police General Fund budget. Airport specific coverages are budgeted and expended in the Airport Fund. Funding for the art collection coverage, the travel accident insurance and the crime policy is absorbed as within the Self Insurance Fund.

The City's liability on tort claims is limited under KSA 75-6105 to \$500,000 per claim. The City is allowed to self-insure worker's compensation based on KSA 505(f), although excess workers compensation coverage is required under KAR 51-14-4. City Code 2.64.020 (h) authorizes the Purchasing Manager to negotiate the purchase of insurance coverage.

Motion--
--carried

Mayans moved to receive, file and ratify the 2006 Insurance Program subject to minor staff modifications and verification of coverage details. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 63

OLD BUSINESS

WATERWALK

WATERWALK REVISED SITE PLAN AND SUPPLEMENTAL AGREEMENT-GOSSEN LIVINGSTON ASSOCIATES.

Agenda Report No. 05-1122

Chris Carrier

Director Public Works reviewed the Item.

On March 4, 2003, City Council approved an Agreement with Gossen Livingston Associates, Inc. (GLA) to provide design services for the public improvements for the East Bank Redevelopment (WaterWalk) project in the amount of \$1,460,000. On December 16, 2003, City Council approved the revised Development Agreement and Master Plan for the WaterWalk project.

On January 13, 2004, City Council approved an Agreement for additional Professional Services with GLA for a boundary and topographical surveys, geotechnical and environmental studies, traffic study, preparation of a PUD/CUP and a plat. These were necessary services, which had not been included in the original Agreement. The cost of this additional work was not to exceed \$71,710 and was to be funded with money already in the East Bank Redevelopment budget.

The master plan originally approved for the WaterWalk project involved a water canal that curved through the site with buildings oriented toward the canal. Also a footbridge was included that spanned the Arkansas River for access to a parking area that was planned for the west bank area. The final layout for Gander Mountain and the associated parking necessitated some changes in the original master plan. In addition, new information from the real estate market and potential tenants, along with site maintenance issues, suggested that even more significant changes to the master plan were needed to make this a viable project over the years ahead.

Working with the private developers and the City, GLA developed a revised master plan to resolve the issues that had arisen with the original master plan, and to better meet the demands of the marketplace. The following is a listing of the main revisions incorporated into the revised master plan.

- Make the changes as necessary to accurately reflect the layout of the Gander Mountain building and its surrounding site development, the new street alignments, the parking deck and the surface parking lots.
- Revise street layouts and building locations to provide a more conventional orientation while maintaining a unique character and ambience.
- Replace the waterway (canal) with water features that include programmable elements such as moving water, music, lights, fire and lasers to provide a more dramatic experience for visitors that can be changed throughout the year to add variety and encourage return visits.
- Delete the footbridge over the river.
- Change the routing of utilities through the site to better match the new layout of streets and buildings.
- Redesign the width and alignment of Lewis and Waterman Streets between the Lewis Street Bridge and Main Street to better handle anticipated traffic related to events in the new Arena.

The revisions to the Master Plan were necessary to protect the viability of the redevelopment project, but this made a large percentage of the site design and engineering work that had already been performed by GLA and their consultants void. Considerable time was spent by City staff in analyzing the additional A&E services that would be needed as a result of the changes in the master plan and in negotiating with GLA to arrive at an appropriate fee for those additional professional services.

Through extended negotiations, City staff and GLA agreed to compromise on \$175,000 as the appropriate fee to be added to their existing contract as a Supplemental Agreement for this additional work.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 64

This Supplemental Agreement will be funded by moving \$175,000 from the Waterway budget to the Architectural Services budget, but this will not increase the City's overall budget for the total WaterWalk project.

The Law Department has approved the Supplemental Agreement as to legal form.

Tom Johnson

Mr. Johnson, President of WaterWalk LLC, reported that the plan before the Council is a plan that was presented to the Council in March of 2004 as a concept change to the project. Stated at that time, the developers went through the original concept of the project and explained the two major changes that are before the Council today. Stated that these two major changes are an extension of Water Street from the turn-about on the plan to the south and some changes to the configuration of the water features themselves going from a partial canal concept that was originally part of the plan to a more performance based water feature concept that is currently being designed. Stated that this plan was also modified and presented to the Council in May of 2004, at which time the basic concept for the waterways and water features and some of those changes were presented. Stated that with the new schedule that the developer and the City put in place about 30 days ago, they are now moving forward with the engineering for the streets and the utilities with this northern half of the project. Stated that once the Council approves this plan today and the engineers and architects begin moving forward with their current engineering plan, there will be no changes within the streets, no changes with regard to any utilities in the project and the plan before the Council will be set in stone. Stated that there will be continually modifications to the waterway, the design of the performance water features and the waterway and the linkages between those major features as the City's architects and engineers finalize those designs over the next three or four months.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved to approve the Site Plan and the Supplemental Agreement and authorize the necessary signatures. Motion carried 7 to 0.

UNFINISHED BUSINESS

AFRICAN MUSEUM

MEMORANDUM OF UNDERSTANDING WITH KANSAS AFRICAN AMERICAN MUSEUM.

Agenda Report No. 05-1123

John Philbrick

Real Estate Supervisor reviewed the item.

The Kansas African American Museum (KAAM) is currently located at 601 North Water. The current site is insufficient for the museum's needs. City staff has worked with the KAAM for several years to try and identify a new site for the museum that will allow the museum to expand and grow. In 2004, the City acquired approximately 7.8 acres of the property commonly known as 777 West Central from Westar for the River Corridor Improvement Project. It has been determined that a portion of the parcel, containing 52,550 square feet, is surplus to the River Corridor Improvement Project. It appears from discussions with the KAAM that this site is suitable for their planned expansion.

City staff and the staff of the KAAM have prepared an MOU. The MOU specifies that the site will be developed with an African American cultural museum and educational facilities. The KAAM will be responsible developing the site and operating the museum. The City will lease the site to the KAAM for 99 years with the caveat that the KAAM must commence construction within five years of the commencement of the lease. The rent rate is \$1.00 per year. The KAAM will be responsible for all costs associated with operating the museum. At the termination of the lease, all improvements will become the property of the City.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 65

Per the MOU, KAAM is responsible for the cost to construct and operate the museum. They are also responsible for the upkeep the site leased for the museum, utility relocation and site preparation. The City has no additional financial responsibility.

The Law Department has approved the MOU as to form.

- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Lincoln Montgomery Mr. Montgomery stated that this is an opportunity and we should embrace the legacy of Mr. Gordon Parks and to affirm the contributions of African Americans across this City and the State of Kansas. Stated that this museum represents a tremendous opportunity for us to do that.
- Eric Key Mr. Key stated that he is the Executive Director of the Kansas African American Museum and thanked the Council for their support. Stated that there is a momentum in the City to get this project completed and that they are under the gun to do so. Stated that they have received an unsolicited grant from the Kansas Health Foundation in the amount of \$15,000.00 to help to secure the collection for the new museum.
- Inaudible Board President of the Kansas African American Museum asked the Council to approve and sign the Memorandum of Understanding because it is a historic event.
- Council Member Brewer Council Member Brewer stated that he would like to commend the Kansas African American Museum for their determination and their hard work. Stated that one of the things that he feels is very important is that when the Board first started describing their vision, it was difficult for many people to include citizens and individuals throughout this entire State to understand exactly what they were trying to do. Stated that as they started defining it more and educating everyone, many people started believing that they could actually do this and that it is something that is needed. Stated that he feels this will be a great asset to the community and believes that the location is the ideal location, which is where the history of the City of Wichita first started back in 1870. Stated that it defines our entire community.
- Council Member Fearey Council Member Fearey stated that from the time that former Mayor Bob Knight asked her and Council Member Brewer to work with the museum to find land to build, she felt that a lot of people in this community thought that this would never happen and that she has had the opportunity to work on this from a unique prospective in which, she is on the City Council and also on the Board of this museum. Stated that it has been a privilege to work on this from both of those sides. Stated that this will be a significant asset to the community.
- Motion-- Mayans moved that the MOU be approved; staff authorized to prepare the ground lease and any other documents required by the MOU; and the Mayor authorized to sign all necessary documents.
- carried Motion carried 6 to 0, (Fearey abstained due to her membership on the museum board)

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 66

DR2005-00030

**DR2005-00030-AMENDMENT TO THE APRIL 19, 2001 EDITION OF THE WICHITA-
SEDGWICK COUNTY UNIFIED ZONING CODE TO AMEND DEFINITIONS AND USE
REGULATIONS FOR USES INCLUDING, NIGHT CLUBS IN THE CITY, PERSONAL CARE
SERVICE, PERSONAL IMPROVEMENT SERVICE, SEXUALLY ORIENTED BUSINESSES,
THE OT-O USE REGULATIONS AND TAVERNS AND DRINKING ESTABLISHMENTS
AND TO NON-CONFORMITIES.**

(Deferred November 1, 2005)

(Council Member Schlapp momentarily absent)

Agenda Report No. 05-0980A.

Gary Rebenstorf

Director of Law reviewed the item.

MAPC Recommendation: Approve (7-3)

Staff Recommendation: Approve

DAB Recommendations: DAB I - provided input and comments for City Council consideration (9-26-05); DAB II - provided input and comment for City Council consideration (10-03-05); DAB III - unanimous vote that they do not want these type of SOB businesses in District III (10-05-05); DAB IV - provided input and comment for City Council consideration (10-05-05); DAB V - provided comment (10-03-05); DAB VI - provided feedback and input (09-12-05)

On November 1, 2005, Wichita City Council voted (5-2) to enact approve first reading of an ordinance to add regulations to the Unified Zoning Code pertaining to Sexually Oriented Businesses. The ordinance for 2nd reading delineates the changes from first reading that are being recommended for the final ordinance. These changes consist of extending the amortization period from December 31, 2006 to December 31, 2007, as approved by City Council and adding additional due process procedures. Other changes are technical and reorganizational to further clarify the intent of consists of technical changes to the ordinance.

The agenda item referral packet for the meeting held November 1, 2005 included: a discussion of the proposed amendments to the Unified Zoning Code, the recommendation of the Metropolitan Area Planning Commission meeting and minutes from the meeting, a summary of recommendations from District Advisory Board meetings, delineated changes to the text (as recommended by presented to the MAPC meeting), comments from a citizens group and the ordinance as presented for first reading.

The amendments would permit sexually oriented businesses only in the "GC" General Commercial, "LI" Limited Industrial and "GI" General Industrial zoning districts. A distance separation of 500 feet would be required from a school, church, public park, licensed day care center, residential district boundary, OT-O district boundary or other adult entertainment establishment.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the ordinance with the changes provided for second reading be adopted and the necessary signatures authorized. Motion carried 5 to 2, (Nays-Brewer and Fearey)

ORDINANCE NO. 46-831

An Ordinance providing amendments to Section II-B.9.B, Section II-B.10.H and II-B.10.I, Section II-B.12.I, Section III-B.14.B (3), Section III-B.4.B, Section III-D use regulations schedule, Section III-D.6.W, Section III-D.6.FF and Section VII-J of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, dealing with sexually oriented businesses in the city, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas; Gray, Martz, Schlapp, Skelton, and Mayans. (Nays; Brewer, Fearey).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 67

NEW BUSINESS

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. **(DISTRICTS I AND III)**

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report 05-1124

On October 18, 2005 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on December 13, 2005.

On October 3, 2005, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
a. 1227 North Poplar	I
b. 1823 South Waco	III
c. 417 West Funston	III
d. 1802 South Broadway	III

Pursuant to State Statute, the Resolutions were duly published twice on October 20, 2005, and October 27, 2005. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder

Office of Central Inspection stated that he is asking that the Council take staff's recommendation for the property located at B) 1823 South Waco and D) 1802 South Broadway. Stated that there are representatives for the properties located at A) 1227 North Poplar and C) 417 West Funston.

--

Motion--

Mayans moved that public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures adopted and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures accepted. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of December 13, 2005; (2) the structures have been secured as of December 13, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of December 13, 2005 and will be so maintained during renovation for the properties located at B) 1823 South Waco and D) 1802 South Broadway. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-657

A Resolution finding that the structure/s located on Lots 118 and 120, on Waco avenue, English's 8th Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1823 South Waco, is/are unsafe or dangerous and directing the structure/s to be removed., presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-659

A Resolution finding that the structure/s located on Lots 2 and 4, on Lawrence Avenue, South Lawrence Avenue Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1802 South Broadway, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 68

- Kurt Schroeder Office of Central Inspection reported that the property located at A) 1227 North Poplar is a single-residence and that they have been working this case for many years. Stated that it has also been in the City's court system throughout that time period to try to get everything repaired. Stated that there has been some repairs made to the property throughout this time, but has been vacant for several years. Stated that the taxes are current, the property secured, but there is some debris in the rear of the property. Stated that the owner is here and he has indicated that he does want additional time to repair the exterior of the structure and would need 90 days to complete this.
- Glen McDonald Mr. McDonald stated that if he had 90 days, he is sure that he could get this done. Stated that he has neglected the house due to personal problems. Stated that the will contract the work out and work along with them.
- Motion-- Brewer moved that the debris be removed from the premises by this week; that the 2005 property taxes be paid and that the Council extend and grant 90 days to make the improvements on the property and work with City Staff. If none of these conditions have been met, then to proceed with the staff's recommendation. Motion carried 7 to 0.
- carried

RESOLUTION NO. 05-656

A Resolution finding that the structure/s located on Lots 73 and 75, on Mona, now Poplar Street, Fairmount Park Addition to Wichita, Sedgwick County, Kansas, commonly known as 1227 North Poplar, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- Kurt Schroeder Office of Central Inspection reported that the property located at C) 417 West Funston has had a housing case on it for about 10 years and have taken the property owners to court several times during this period, trying to get everything resolved. Stated that the 2003, 2004 and 2005 taxes are delinquent, which is a total of \$804.00 that is owed at this time. Stated that there is trash and debris on the premise and roofing work that had been started but since has stopped.
- Council Member Skelton Council Member Skelton stated that he would listen to the owner but that he is very unsympathetic.
- Mark Crawford Mr. Crawford stated that the court cases involved his son purchasing old vehicles and bringing them and leaving them on this property. Stated that he bought the house on contract of deed and has worked out of town for the past five years and has not had a lot of time to work on the house. Stated that he does have the means and the time to fix the house at this time and has started the roof and put in brand new sewer and plumbing on the inside and had a new electrical service installed. Stated that he has had to stop recently due to having to baby-sit for his son. Stated that if he is given 60 days, he will complete the roof and repair the windows inside the house.
- Council Member Skelton Council Member Skelton stated that in the last 10 years he has heard so many stories and thinks that the owner has had plenty of time to comply with this property. Stated that it has been subject to lack of maintenance for many years and that it is the will of the neighborhood organization that this house is removed.
- Motion-- Skelton moved that the City Council proceed with Staff's recommendation for demolition. Motion carried 5 to 2, (Nays-Gray and Schlapp).
- carried

RESOLUTION NO. 05-658

A Resolution finding that the structure/s located on the east half of Lots 1 and 2, Supplemental Plat of Rosenthal's 5th Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 417 West Funston, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Skelton moved that the Resolution be adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Martz, Skelton, Mayans; (Nays, Gray and Schlapp).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 69

COLEMAN CO.

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, THE COLEMAN COMPANY, INC. (DISTRICT I)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report NO. 05-1125

(Council Member Gray momentarily absent)

Between 1993 and 2004, the City Council has approved Letters of Intent to issue Industrial Revenue Bonds (IRBs) up to \$135 million to the Coleman Company, Inc. and has approved the issuance of \$141.3 million. Bonds were issued to finance the construction of a new corporate headquarters, the expansion of existing manufacturing facilities and the purchase of additional machinery and equipment for its manufacturing facilities in Wichita and Maize. In addition, the City Council also approved a 100% five-plus-five-year ad valorem tax exemption on all bond-financed property.

On November 16, 2004, City Council approved a new Letter of Intent for a term ending December 31, 2007, in an amount not-to-exceed \$35,000,000. The bond proceeds will be used for the redesign of factory space and for the purchase of additional manufacturing equipment, primarily machinery, tooling and technological equipment at the existing Wichita and Maize facilities. The company is now requesting the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$10,500,000.

In addition, pursuant to an existing Interlocal Cooperation Agreement between the City of Maize and the City of Wichita, the City of Wichita has the authority to issue Industrial Revenue Bonds in the amount not-to-exceed \$783,507 to finance 2005 capital expenditures at Coleman's facility in Maize.

The Coleman Company, Inc. is engaged in the manufacturing and distribution of outdoor recreational products. The Company's principal products include a comprehensive line of pressurized lighting, cooling and heating appliances for camping and outdoor recreational use (such as Coleman lanterns and stoves), fuel-related products, including disposable propane-filled cylinders, a broad range of insulated food and beverage containers, portable electric lights, and other products for recreational use and do-it-yourself markets.

In early 2002, the Coleman Company began a series of steps to reestablish its worldwide headquarters in Wichita. The Wichita-based management team assumed direction of international operations in January 2002. Transition of corporate functions from Sunbeam's Florida office to Coleman's Wichita office is underway and will continue over the next few years. The Coleman Company employs 974 people at its Wichita facilities. The average salary for full time employees is \$44,880. Under current plans, the Company does not anticipate increases in employment.

The uses of bond proceeds are as follows:

Wichita Facilities

Manufacturing Equipment \$9,302,015.80

Total 9,302,015.80

Maize Facility

Manufacturing Equipment 783,507.96

Total 783,507.96

Total Cost of Projects \$10,085,523.76

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 70

The City's bond counsel firm Hinkle Elkouri Law Firm, L.L.C. serves as bond counsel in the IRB transaction. The Coleman Company will purchase the bonds, and as a result the bonds will not be offered to the public. The Coleman Company has complied with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research performed a cost-benefit analysis, resulting in the following benefit-cost ratios are as follows:

City	1.58 to one
County	1.41 to one
USD 259	1.02 to one
State	5.60 to one

The Coleman Company, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's new Economic Development Incentive Policy, City Council approved of a 100% five-plus-five-year tax exemption on property purchased with bond proceeds, based solely on Coleman's commitment to make capital investments of at least \$35 million over a 4-year period. In addition, bond-financed purchases are exempt for state and local sales tax.

Bond documents have been prepared by bond counsel. The City Attorney's office will review and approve the final form of bond documents prior to the issuance of any bonds.

In addition to authorizing the issuance of the Series 2004 Industrial Revenue Bonds, the bond ordinance also authorizes the release of property financed by Series XVI, 1994 Bonds from the lien of the 1994 Bond Indenture and the conveyance of said property to Coleman upon receipt of certification by the Bond Trustee that no Series 1994 Bonds remain outstanding.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$10,500,000 and the release and conveyance of 1994 Coleman bond-financed property be placed on first reading and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent)

--carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VIII, 2005 (The Coleman Company, Inc.), in the aggregate principal amount of not to exceed \$10,500,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Maize, Kansas and the City of Wichita, Kansas; prescribing the form and authorizing execution of an Eleventh Supplemental Trust Indenture by and between the City and the Bank of New York trust Company, N.A., as Trustee, with respect to the Bonds; prescribing the form and authorizing execution of an Eleventh Supplemental Lease Agreement by and between the City and the Coleman Company, Inc.; approving the form of a Guaranty Agreement; authorizing the execution of a Bond Purchase Agreement by and between the City and the Coleman Company, Inc., as purchaser of the Bonds; and authorizing execution of a bill of sale, introduced and under the plans laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 71

BOMBARDIER LEARJET

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, BOMBARDIER LEARJET. (DISTRICTS IV AND V)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 05-1126

On September 10, 1996, the City Council approved a five-year Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$86 million, issued to Bombardier Learjet to finance expansion and modernization of its aircraft manufacturing plant located at Mid-Continent Airport in west Wichita. Council also approved a ten-year 100% ad valorem property tax exemption on all bond-financed property. On November 20, 2001, the City Council extended the Letter of Intent for an additional three-years until December 31, 2004. On December 14, 2004, City Council approved an extension of the 2001 Letter of Intent for an additional two-years until December 31, 2006.

Under authority of the 1996 Letter of Intent, the City Council has authorized issuance of Industrial Revenue Bonds to Bombardier Learjet a total of approximately \$84 million in IRBs between 1996 and 2004. The company is requesting City Council to issue industrial revenue bonds in the amount not-to-exceed \$3,200,000 to finance its capital investments for the year 2005.

Proceeds from the sale of the 2005 bond issue will be used for the purpose of purchasing, acquiring, constructing, and equipping improvements and additions to existing facilities. Bond proceeds continue to be used to finance the expansion and upgrading of facilities accommodating increased personnel and space required to develop and produce all models of Bombardier's Learjet business jet aircraft.

Bond proceeds are estimated to be used as follows:

Leasehold Improvements	\$2,164,420.79
Machinery and Equipment	957,247.64
Costs of Issuance	331.57

Total Cost of Project	\$3,122,000.00
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The law firm of Hinkle Elkouri, L.L.C. serves as bond counsel in the transaction. Learjet Inc. will purchase the bonds, and as a result bonds will not be offered to the public. Bombardier Learjet has complied with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research performed a cost-benefit analysis relating to property tax exemption, the resulting benefit-cost ratios are as follow:

City	2.44 to one
County	1.60 to one
USD 259	1.04 to one
State	4.28 to one

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 72

Bombardier Learjet agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% tax abatement of ad valorem property taxes on the expansion project. Bond-financed purchases will also be exempt from state and local sales tax.

Bond documents have been prepared by bond counsel for the project. The City Attorney's office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$3,200,000 be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds in the original aggregate principal amount not to exceed \$3,200,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Ninth Supplemental Trust indenture by and between the City and the Bank of New York Trust Company, N.A., St. Louis, Missouri (Successor Trustee to Intrust Bank, N.A., Wichita, Kansas) (the "Trustee"), as Trustee with respect to the bonds; prescribing the form and authorizing the execution of a Ninth Supplemental Lease by and between Learjet Inc. and the City; approving the form of a Guaranty Agreement; and authorizing the execution of a Bond Purchase Agreement by and between the City and Learjet Inc., as purchaser of the bonds, introduced and under the plans laid over.

CESSNA

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, CESSNA AIRCRAFT COMPANY. (DISTRICTS III AND IV)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report 05-1127

Since 1991, the City Council has approved Letters of Intent for Industrial Revenue Bonds totaling a not-to-exceed principal amount of \$1.1 billion to finance expansion and modernization of Cessna Aircraft Company facilities in Wichita. Along with the letters of intent, the Council approved a five-plus-five-year 100% ad valorem tax exemption for all Cessna property financed with bond proceeds. Since 1991, approximately \$894 million IRBs were issued to Cessna. The company is requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$69,500,000 to finance its 2005 capital investments.

Bond proceeds are being utilized to finance expansion and upgrading of facilities located at the Cessna Wichita Facilities, including technology and manufacturing equipment to accommodate increased personnel and space required to develop and manufacture the four business jet aircraft produced in Wichita. Specific 2005 improvements at the Cessna facilities include renovations and upgrades to parts warehousing, aircraft completion, engineering, assembly and manufacturing facilities. Acquisition of manufacturing machinery and equipment is also being financed.

The uses of the 2005 bond proceeds are as follows:

Buildings Improvements	\$ 3,300,000	
Machinery & Equipment	20,200,000	
Tooling		46,000,000
Total Cost of Project	\$ 69,500,000	

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 73

The taxable Bonds will be privately placed with Cessna's parent company. Cessna Aircraft Company has complied with the Standard Conditions contained in the City's IRB Policy. The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City	1.54 to one
County	1.44 to one
USD 259	1.02 to one
State	5.96 to one

Cessna Aircraft Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council has approved a five-plus-five-year 100% ad valorem tax exemption on bond-financed property. The purchase of bond-financed property will also be exempt from state and local sales tax.

Bond documents have been prepared by the City's bond counsel Hinkle Elkouri Law Firm, L.L.C. The City Attorney's Office will review and approve the final form of any bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Skelton moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$69,500,000 be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VII, 2005 (Cessna Aircraft Company), in the original aggregate principal amount of not to exceed \$69,500,000 for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility; authorizing execution of a Fifteenth Supplemental Trust Indenture by and between the City and the Bank of New York Trust Company, N.A., St. Louis, Missouri, as Trustee with respect to the Series VII, 2005 Bonds; authorizing the City to lease said project to Cessna Aircraft Company; authorizing the execution of a fifteenth supplemental lease by and between the city and Cessna Aircraft Company; authorizing the execution of a Bond Purchase Agreement by and between the City and Cessna Aircraft Company, as purchaser of the bonds; and, authorizing execution of a Bill of Sale, termination and release of fourth supplemental lease and cancellation, discharge and release of Fourth Supplemental Trust Indenture, introduced and under the plans laid over.

INFONXX INC.

PUBLIC HEARING AND ISSUANCE OF REVENUE BONDS, INFONXX, INC. **(DISTRICT II)**

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report 05-1128

On November 15, 2005, the City Council approved a six-month Letter of Intent to issue industrial revenue bonds (IRBs) for InfoNXX, Inc. & Subsidiaries, in the amount of \$6 million and a 100% five-plus-five-year tax exemption on bond-financed property. Bond proceeds will be used to finance the cost of equipping a customer service center facility in the former MCI Building, located at 8400 East 32nd Street North. The Company is requesting the issuance of Industrial Revenue Bonds in the amount not-to-exceed \$6,000,000.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 74

InfoNXX, Inc. was founded in 1992 and has grown to become the largest non-carrier directory assistance and enhanced information services to leading communications companies, businesses and consumers located principally in the United States, United Kingdom, France, and Italy. The Company has been consistently rated among the top third-party directory assistance ("DA") companies in the country by a national rating agency. In the U.S., the Company provides non-branded, outsourced DA and related services under contract arrangements primarily to leading wireless carriers such as Sprint PCS, Verizon Wireless, U.S. Cellular and Dobson, among others. InfoNXX also provides outsourced DA to various cable telephony carriers and competitive local exchange carriers such as Cox Communications, Comcast, and XO.

InfoNXX has committed to hire at least 944 new employees over an 18-month period, at a weighted average wage rate of \$9.82 per hour. Under the IRBs, the bond-financed property will be leased to InfoNXX Operating Company, Inc.

An analysis of the uses of project funds is:

USES OF FUNDS

Computer & Telecom Equipment and Related Software	\$5,092,000
Furniture & Fixtures	588,000
Generator	320,000
Total Cost of Project:	\$6,000,000

The firm Hinkle Elkouri L.L.C. serves as bond counsel in the transaction. InfoNXX Capital Management, Inc. (a related entity) will purchase the Bonds and as a result there is no need for an underwriter. The Company has complied with the City's requirements contained in the Letter of Intent. The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City	2.82 to one
County	1.78 to one
USD 259	1.23 to one
State	5.78 to one

InfoNXX agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Economic Development Incentive Policy, the project qualifies for a 100% tax exemption on property purchased with bond proceeds, based on creation of 944 new jobs and the investment of \$6 million. In addition to the property tax abatement, the project will qualify for a sales tax exemption on bond-financed property, worth an estimated savings of \$344,000.

Bond documents needed for the issuance of bonds have been prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Schlapp moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$6 million be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 75

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of not to exceed \$6,000,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series X, 2005 (InfoNXX) for the purpose of providing funds to acquire and install equipment and furniture at a customer service center facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and U.S. Bank National Association, Milwaukee, Wisconsin, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and InfoNXX Operating Company, Inc.; approving the form of a Guaranty Agreement; and, authorizing the execution of a Bond Placement Agreement by and among the City, InfoNXX Operating Company, Inc., and InfoNXX Capital Management, Inc. as purchaser of the Bonds, introduced and under the plans laid over.

SUNSET PROV.

REAUTHORIZATION OF BOARDS AND COMMISSIONS SUBJECT TO SUNSET PROVISION.

Scott Moore

Assistant City Manager reviewed the item.

Agenda Report No. 05-1129

In December 1999, the City Council adopted Sunset Provisions that require the annual review and reauthorization of selected non-statutory boards and commissions by City Council to ensure efficient and responsive citizen participation and eliminate duplicative board function. In July 2001, the City Council adopted criteria to serve as the basis for the annual review and renewal of selected boards and commissions. In June 2002, City Council reviewed and approved the reauthorization of these boards through June 30, 2003. In the process of subsequent review of annual reports of boards and commissions, the annual reauthorization of boards and commissions has not been completed.

City Staff is reviewing recommendations for potential changes to certain boards or the board appointment process. The proposed ordinance will maintain the status quo pending any further direction from the City Council.

This ordinance will reauthorize the continued function and existence of current boards and commissions, which were subject to prior Sunset provisions. To allow flexibility for further review, the ordinance will also reestablish all existing boards and commissions until June 30, 2007. The City Council may still create, abolish, or reorganized any individual board or commission prior to that date.

The ordinance has been reviewed and approved as to form by the Law Department. The proposed ordinance includes the findings to retroactively approve board and commission actions from July 31, 2003 until the present.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita pertaining to the continuing of existence and abolition of boards, agencies and commissions; amending Sections 2.12.1200 and 2.12.1201 of the Code of the City of Wichita; and repealing the original of said Sections, introduced and under the plans laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 76

DUNBAR THEATER HOME RULE BONDING ORDINANCE FOR DUNBAR THEATER FEASIBILITY STUDY. **(DISTRICT I)**

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-1130

(Council Member Skelton momentarily absent)

The McAdams Neighborhood Revitalization Plan has identified the goal of redeveloping the vacant Dunbar Theater building located at 1007 N. Cleveland Street as a community-based visual and performing arts center. The realization of this goal is predicated upon the viability of such a concept. The City wishes to hire a consultant to complete a feasibility analysis and reuse implementation plan for community-based, visual and performing arts redevelopment opportunities at the Dunbar Theater. The consultant hired to prepare this feasibility study will work closely with area neighborhood associations, community groups, the Dunbar Theater landowner, and the performing/visual arts community at-large. The current owner of the Dunbar Theater has given the City permission to do this study of their property and access to the building/property as required.

The Department of Law requires the approval of a home rule-bonding ordinance to be eligible to issue temporary notes for the cost of Dunbar Theater Feasibility Study project. This is necessary even though the temporary notes are to be paid with cash. The Law Department has drafted the required home rule ordinance.

Funding for this project (not to exceed \$35,000) is identified in the 2005-2014 Capital Improvement Program.

A home rule-bonding ordinance is required since there is not yet a specific City project associated with Dunbar Theater Feasibility Study. The ordinance has been approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the home rule-bonding ordinance for Dunbar Theater Feasibility Study be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An ordinance of the City of Wichita, Kansas authorizing the issuance of its General Obligation Bonds to pay the costs of preparation of a feasibility analysis and reuse implementation plan for the Dunbar Theater Building, and further authorizing and providing for the issuance of temporary improvement notes of the city from time to time as funds are needed for such purpose, introduced and under the plans laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 77

DR2005-39

DR2005-39-FLOODPLAIN MANAGEMENT TASK FORCE FINAL REPORT.

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-1131

The Floodplain Management Task Force was formed in January 2005 with a charge to evaluate current policy and practice of regulating development within floodplains and to make recommendations of any needed change in policy and practice to the Sedgwick County Board of Commissioners and Wichita City Council. In developing recommendations, the Task Force incorporated concerns regarding development within floodplains and the reduction of present and future flood hazards. Business, environmental, and neighborhood interests were taken into account.

The Task Force researched information regarding watersheds, flood zones, and policies and practices of other communities with similar concerns, including presentations from the Denver Urban Drainage and Flood Control District, the Johnson County Stormwater Management Program, and the Andale Chamber of Commerce's proposed watershed district. In addition, Rhonda Montgomery, the National Flood Insurance Program (NFIP) Coordinator for the State of Kansas, presented information regarding the Federal Emergency Management Agency's Community Rating System Program. Each city in Sedgwick County was surveyed to obtain information regarding their existing policies and willingness to adopt a countywide policy.

After deliberation, the Task Force identified, discussed and developed recommendations. In July, a progress report was distributed to the City Manager and the County Manager for review, and on November 1, 2005, a presentation was made to the Wichita City Council and the Board of County Commissioners. Most recently, the draft report was presented to the Advanced Plans Committee and the Metropolitan Area Planning Commission (MAPC) on November 17, 2005.

The Floodplain Management Task Force developed seven initiatives with associated charge statements and action items, and assigned representatives to take the lead responsibility in developing an implementation plan for each action item. The seven initiatives include activities to address public awareness, flood-prone property, uniform standards, a governmental framework, basin studies, the Community Rating System Program, and flood conveyance channels. Estimated timeframes to begin and complete each initiative and action item, participating partners, and potential funding sources were also identified.

The Task Force is recommending that the City Manager collaborate with the County Manager on implementing the Report's recommendations. One of the first implementation steps is for the City Manager and the County Manager to jointly appoint representatives with lead responsibility roles to assist the Task Force in implementing specific tasks. In addition, the City Manager and County Manager will make appointments to specific task-oriented committees as outlined in the report. Each committee or lead responsibility representative will report back to the Floodplain Management Task Force, which will provide overall implementation oversight to ensure that the tasks are carried-out as intended by the Floodplain Management Task Force.

Accepting the Floodplain Management Task Force Final Report does not financially obligate the City in any way. The implementation of initiatives will have varying associated costs that may be financed through a variety of funding sources. Short-term initiatives establish the ability to implement specific action items with current limited resources, yet produce potentially immediate beneficial impacts. Other initiatives will require a variety of funding sources such as grants, local support, and/or a permanent funding source solely dedicated to projects that address flooding issues throughout Sedgwick County. If the permanent funding source does not become a reality, then associated project costs will be left to each jurisdiction and through inter-local agreements.

The Law Department stated that the Floodplain Management Task Force Final Report could be accepted through a motion. There are no other legal considerations.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 78

Chris Carrier Director of Public Works reviewed the Task Force Report.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Floodplain Management Task Force Final Report be accepted and the City Manager be directed to work with the County Manager on implementing the Report's recommendations.

--carried Motion carried 7 to 0.

ARTERIAL CONTRACTS

2005 ARTERIAL STREET, BRIDGE, BIKE PATH AND WATERLINE REPLACEMENT DESIGN CONTRACTS.

Jim Armour City Engineer reviewed the item.

Agenda Report No. 05-1132

The 2005 Capital Improvement Program includes funding for arterial street, bridge, bike path and waterline design projects. On October 12 and 13, 2005, the Staff Screening and Selection Committee interviewed 10 design companies for the following 25 projects:

The projects to be designed, the design companies and the design fees are:

- 13th St., between I-135 Freeway and Woodlawn (Districts I & II) POE \$194,500
- Intersection of 21st and Broadway (District VI) TranSystem \$128,000
- 47th St. South, between Meridian and Seneca (District IV) Baughman \$197,500
- Intersection of 55th St. South and Broadway (Districts III & IV) Schwab-Eaton \$70,100
- 119th, between Kellogg and Maple (District V) PEC \$145,000
- 135th, between Maple and Central (District V) Schwab-Eaton \$132,460
- 151st St. West, between Kellogg and Maple (District V) MKEC \$28,000
- Intersection of Central and Tyler (District V) Baughman \$130,000
- Greenwich, between Harry and Kellogg (District II) Parsons Brinckerhoff \$140,000
- Hydraulic, between Harry and Kellogg (District I) Baughman \$21,500
- Lincoln, between Hillside and Oliver (District III) MKEC \$18,000
- Meridian, between 47th St. South and 31st St. South (District IV) Baughman \$377,000
- Meridian, between Pawnee and Orient (District IV) Baughman \$47,500
- Mt. Vernon, between Broadway and Arkansas River (District III) MKEC \$19,500
- Pawnee, between K-15 Highway and Hillside (District III) MKEC \$129,000
- Woodlawn, between Lincoln and Kellogg (Districts II & III) Cook, Flatt & Strobel \$90,028
- 13th St. Bridge at The Little Arkansas River (District VI) Parsons Brinckerhoff \$89,200
- 21st Overpass, Between Broadway and I-135 Freeway (Districts I & VI) Parsons Brinckerhoff \$160,000
- 21st St. Bridge at The Little Arkansas River (District VI) PEC \$46,000
- 25th St. Bridge at The Little Arkansas River (District VI) PEC \$46,000
- Grove Bridge at Frisco Drainage Ditch (District I) MKEC \$17,000
- Waterline in Arkansas Av., between 16th and 20th (District VI) Baughman \$29,000
- Waterline in Ridge, between 31st St. South and MacArthur (District IV) Young \$15,900
- Waterline in Woodlawn, between 2nd and Kellogg (District II) Baughman \$29,000
- Arkansas River Bike Path between Galena and George Washington Boulevard (District III) KE Miller \$143,900

The paving, bridge and bike path project budgets total \$2,655,000. The funding source for the street, bridge and bike path projects is General Obligation Bonds. The waterline project budgets total \$73,900 and are funded by the Water Utility.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 79

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the design projects and agreements be approved; the Ordinances placed on first reading; The Resolutions be adopted; the Ordinances on first reading; and that the signing of the State/Federal agreements as required, be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-662

A Resolution finding it necessary to make certain improvements to construct a bike path along the Arkansas River, between Galena Street and George Washington Boulevard (472-84319) and authorizing the issuance of bonds by the City of Wichita at Large, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE

1. An ordinance declaring 13th Street, between I-135 Freeway and Woodlawn (472-84320) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

2. An ordinance declaring the Intersection of 21st Street and Broadway (472-84295) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

3. An ordinance declaring 47th Street South, between Meridian and Seneca (472-84296) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 80

ORDINANCE

4. An ordinance declaring 55th Street South and Broadway (472-84305) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

5. An ordinance declaring 119th Street West, between Kellogg and Maple (472-83406) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

6. An ordinance declaring 135th Street West, between Maple and Central (472-84308) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

7. An ordinance declaring 151st Street West, between Kellogg and Maple (472-84318) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

8. An ordinance declaring the Intersection of Central and Tyler (472-84311) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

9. An ordinance declaring Greenwich, between Harry and Kellogg (472-84301) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

10. An ordinance declaring Hydraulic, between Harry and Kellogg (472-84310) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

11. An ordinance declaring Lincoln, between Hillside and Oliver (472-84307) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 81

ORDINANCE

12. An ordinance declaring Meridian, between 47th Street South and 31st Street South (472-84302) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

13. An ordinance declaring Meridian, between Pawnee and Orient (472-84309) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

14. An ordinance declaring Mt. Vernon, between Broadway and the Arkansas River (472-84289) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

15. An ordinance declaring Pawnee, between K-15 Highway and Hillside (472-84303) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

16. An ordinance declaring Woodlawn, between Lincoln and Kellogg (472-84304) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

17. An ordinance declaring the 13th Street Bridge at the Little Arkansas River (472-84314) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

18. An ordinance declaring 21st Street between Broadway and I-135 HWY (472-84312) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

19. An ordinance declaring the 21st Street Bridge at the Little Arkansas River (472-84315) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 82

ORDINANCE

20. An ordinance declaring the 25th Street Bridge at the Little Arkansas River (472-84316) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

ORDINANCE

21. An ordinance declaring the Grove Bridge at the Frisco Drainage Ditch (472-84317) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of, introduced and under the plans laid over.

BUDGET

ORDINANCE APPROPRIATING THE 2006 BUDGET; RATIFYING THE PAYMENT OF CLAIMS AGAINST THE 2005 BUDGET.

Kelly Carpenter

Finance Director reviewed the item.

Agenda Report No. 05-

Each year the City Council must appropriate and approve the spending of the next year's budget according to the approved budget and also authorize, approve and ratify the payments, which have occurred against the current year budget.

Appropriated amounts for each fund have been established in the budget for fiscal 2006 for the payment of all claims and charges against each fund. Payments of all claims and charges against each fund shall be made by a combination of checks and warrants, drawn by the Director of Finance and counter-signed by the City Manager and Treasurer as provided by law. The payment of all claims and charges against respective accounts and funds provided in the budget for the year 2005 are also required to be authorized, ratified and approved.

There are no financial considerations.

The Ordinance has been approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved to place the Ordinance on first reading and authorize the necessary signatures. Motion carried 7 to 0.

ORDINANCE

An Ordinance appropriating the amounts set up in each fund in the budget; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts, introduced and under the plans laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 83

SALARY ORD. AMENDMENTS TO SALARY AND POSITION CLASSIFICATION ORDINANCES. **CLASSIFICATION.**

Mayor Mayans Mayans stated that there are a couple of issues that he has asked to be discussed in Executive Session so he is going to ask that this be deferred.

Motion--carried Mayans moved to defer the item. Motion carried 7 to 0.

LEGIS. PROGRAM 2006 CITY OF WICHITA LEGISLATIVE PROGRAM.

Scott Schneider Director of Government Relations reviewed the item.

Agenda Report No. 05-1154

The process of drafting the 2006 Legislative Program began in October when requests for proposed legislation were distributed to City Council Members and City Departments. Discussions have also taken place with Sedgwick County, Regional Economic Area Partnership (REAP), League of Kansas Municipalities, Kansas Association of Counties, USD 259, Wichita Area Chamber of Commerce, Wichita Independent Business Association, in an effort to identify and prepare for issues, which are likely to be considered by the 2006 Legislature.

The City of Wichita Legislative Program is intended to represent the adopted policies and positions of the Wichita City Council.

The proposed 2006 Legislative Program contains policy positions on a variety of issues, allowing the City to respond to specific bills and proposals within an established policy framework.

Budget and financial issues will undoubtedly dominate the 2006 session of the Kansas Legislature. It is very likely attempts will be made to redirect funding now earmarked for local government programs. Protecting those sources of funding and preserving the Constitutional Right of Home Rule and local control are the major themes in the City of Wichita's 2006 Legislative Program.

The requests for new legislative initiatives by the City of Wichita are focused on those achievable issues that will benefit the City.

Position statements and proposals in the 2006 Legislative Program provide support for the City's stated goal to preserve its Home Rule authority and to secure legislative authority to enhance and improve government operations and services for the public.

Any number of legislative actions can impact City finances. The 2006 Legislative Program is designed to help the City maintain or improve its ability to control the financing of local government services to best serve the citizens of Wichita.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried Mayans moved that the 2006 Legislative Program be adopted. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 84

PLANNING AGENDA

Motion--carried

Mayans moved that Planning Consent items 52 to 62 be approved. Motion carried 7 to 0.

(Item 48)

CON2005-00046

CON2005-00046-CONDITIONAL USE TO PERMIT A NEIGHBORHOOD SWIMMING POOL AND PLAYGROUND ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED WEST OF THE HAZELWOOD AND BROOKVIEW CIRCLE INTERSECTION. (DISTRICT V)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-1135

MAPC Recommendations: Approved, subject to staff comments with modified conditions to require additional landscape buffering and parking lot screening, (11-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approved, subject to conditions, (7-3).

The applicant requests a Conditional Use to permit a neighborhood swimming pool and playground on two platted lots within the Ridge Port North 5th Addition. The two lots are located west of the Brookview Circle and Hazelwood intersection, on a dead end portion of Brookview Circle. The subject property is zoned "SF-5" Single-Family Residential and is currently undeveloped; the Unified Zoning Code (UZO) requires a Conditional Use for neighborhood pools in SF-5 zoning.

The character of the surrounding area is that of a developing single-family residential neighborhood. All property to the north, south and east is zoned "SF-5" Single Family residential and is developed or being developed with single-family residences. South of the site is a neighborhood water feature, west of the site is a nursing home on property zoned "GO" General Office.

The site plan shows a 20 by 40-foot swimming pool and equipment/bath house on the southwest lot. A playground and 10 parking spaces (including two ADA designated spaces) are located on the northeast lot. The proposed parking configuration does not conform to the UZO in that all parking is proposed within the building setback, which would require an administrative adjustment. Likewise, the proposed parking configuration consumes the south boundary of the north lot, where a landscape street yard would normally be located. A parking lot would normally require landscape screening; the proposed configuration would leave no landscaping between the lot and residential neighbors to the south, and require a landscape-screening waiver. The site plan does not show UZO required screening where abutting single-family residential uses. The site plan does show landscaping; an approved landscape plan would be required for this proposal.

DAB V heard this request on November 16, 2005; neighboring property owners spoke for and against the request with concerns regarding traffic, parking, noise, screening and fencing. The action of the DAB was to approve subject to staff comments by a vote of 7-3. The MAPC heard this request on November 3, 2005; several neighboring property owners again spoke for and against the request with concerns regarding traffic, parking, noise, screening and fencing. The action of the MAPC was to approve the staff report with modified conditions to require additional landscape buffering and parking lot screening (11-0). One protest petition was filed from a residential property owner, amounting to 3.75 percent of the protest area. The protest forced this request to go to the City Council for final approval; the request can be approved with a simple majority vote.

The resolution has been reviewed and approved as to form by the Law Department.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 85

Motion--
--carried

Martz moved that the findings of the MAPC be adopted; the Conditional Use subject to approved conditions be approved and the resolution adopted. Motion carried 7 to 0.

RESOLUTION No. 05-660

A Resolution authorizing a conditional use to permit a neighborhood swimming pool and playground on 0.68 acres zoned "SF-5" Single-Family Residential, located west of the Hazelwood and Brookview Circle Intersection in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance no. 44-975, as amended, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

(Item 49)
ZON2005-00041

ZON2005-00041-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL, TO GENERAL OFFICE. GENERALLY LOCATED NORTH OF 21ST STREET NORTH AND WEST OF SOMMERSET, 1620 WEST 21ST STREET NORTH. (DISTRICT VI)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-1136

MAPC Recommendations: Approve (10-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve (7-0).

The applicant requests a zone change from "SF-5" Single-family Residential to "GO" General Office on a 3.04-acre lot located north of 21st Street and west of Somerset. The subject property is a platted lot and is developed with a church. The applicant intends to make child care a function of the facility; under the current SF-5 zoning "Day Care, General" would require a Conditional Use. Likewise, the church intends to conduct office use for other social services in the future. Given these land use desires, and the location of this site along 21st Street, staff felt that a zone change request to "GO" General Office would best suit the applicant's long term plans.

The surrounding area is characterized by commercial uses along 21st Street, with some office and multi-family residential uses in the immediate area. The property to the north, across 22nd Street, is zoned "B" Multi-family and developed with an apartment complex. South of the site, across 21st Street, is a GO zoned medical/dental facility. East and west of the site are "LC" Limited Commercial zoned retail uses. The 21st Street and Amidon intersection is approximately ¼ mile to the west, with commercial zoning and development on all four corners. Immediately west of this site is the Little Arkansas River.

DAB VI heard this request on October 19, 2005; a representative of the apartment complex north of the site spoke in opposition to the zone change request. DAB VI recommended approval of the request by a vote of 7-0. MAPC heard this request on October 20, 2005. A representative of the apartment complex north of the site again spoke in opposition to the zone change request; the action of the MAPC was to approve 10-0. The apartment complex property north of the site filed a protest petition, amounting to 34.2 percent of the protest area, requiring a governing body ¾ majority override to approve the zone change request.

Motion--
--carried

Fearey moved that the findings of the MAPC be adopted; the zone change approved and the ordinance placed on first reading. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 86

ORDINANCE

An Ordinance changing the zoning changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, introduced and under the plans laid over. (ZON 2005-00041)

(Item 50)
CUP2005-49

CUP2005-49-ASSOCIATED WITH ZON2005-46-CREATION OF DP-288 MERIDIAN VALLEY COMMUNITY UNIT PLAN; ZONE CHANGE TO LIMITED COMMERCIAL. GENERALLY LOCATED ON THE NORTHWEST CORNER OF MERIDIAN AVENUE AND 53RD STREET NORTH. (DISTRICT VI)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-1137

MAPC Recommendations: Approve (9-1), subject to platting within one year and subject to conditions recommended by staff and with additional landscape requirement.

MAPD Staff Recommendations: Approve, subject to platting within one year and conditions.

DAB Recommendations: Motion to recommend approval (6-1) of request subject to the thirteen conditions provided by MAPD, along with investigation of the filtration system to the service station area, no portable storage allowed and that a median be allowed at 53rd Street North. In addition, the DAB recommends that Wal-Mart be asked to consider concerns of the neighbors on the east side of Meridian related to 24/7 traffic and store hours and consider what could be done to remediate these issues.

The applicant proposes to create a commercial Community Unit Plan containing approximately 27 acres located on the northwest corner of Meridian and 53rd Street North. A 2.2-acre tract nearest the intersection already is zoned "LC" Limited Commercial. "LC" zoning is requested for the other 24.7 acres.

The CUP would allow most uses permitted by right in "LC". The following uses would be prohibited: night club, sexually oriented business, tavern and drinking establishment, correctional placement residence, safety service, pawn shop, agricultural sales and service, commercial wireless communication facility and theatre. A car wash would be permitted only in compliance with supplementary use requirements of the Unified Zoning Code, which would require a CUP amendment (in place of Conditional Use approval) if the proposed parcel for the car wash was located within 200 feet of residential zoning.

Parcel 1, the main parcel, is 23.99 acres and is designed as a Wal-Mart site, including a tire and lube express, pharmacy with drive-through and garden center with drive-through bag goods area. A future fuel outlet site within Parcel 1 is located south of the main Wal-Mart site and parking lot near the drainage reserve. Parcel 1 has a narrow frontage connecting to 53rd Street North and a long frontage of about ¼ mile on Meridian.

Parcels 2 and 3 are 1.5 acre parcels along 53rd Street North, most likely designed for restaurants or similar typical out-parcel uses. The area nearest the intersection is shown as a separate drainage reserve (1.22 acres in size), and the northernmost 80 feet of the site is another detention area.

Setbacks are 35 feet on perimeter of property. Maximum gross floor area and maximum building coverage is 30 percent. Building height is measured by the Unified Zoning Code as the height at the midpoint of a gabled roof or highest point on a parapet or flat roof. The building height would comply with a maximum height limit of 35 feet using Unified Zoning Code measurement protocol.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 87

The buildings would share the uniform architectural character, color, texture and the same predominant exterior building material. Parcel 1 would use earth-tone colors in a variety of textures with dark blue accents. Metal as an exterior material would be limited to incidental accent. The main exterior building materials shown on elevations for Parcel 1 are split-faced and smooth-faced CMU with EIFS gabled ends and pilasters. Although the building is immense, the elevations submitted show articulation with banding, pilasters, variations in rooflines and projecting building areas to break up the mass of the building.

The parcels would share similar or consistent parking lot lighting elements. The maximum height of lighting standards, including base, pole, fixture and lamp, would be 25 feet high within 100 feet of residential zoning and 42 feet on other portions of the site. All lights, including wall and pole mounted fixtures, would be shielded to direct light downward.

The CUP calls for an eight-foot screening wall meeting CUP requirements (masonry, concrete, etc, but not including wooden fence or woven wire) on the north and west adjacent to residential zoning. The dumpster on the north would have an eight-foot concrete screening wall on its north and east side to screen the dumpster from Meridian and the properties east of Meridian. The dumpster on the west would have an eight-foot concrete screening wall on its south to screen it from view of 53rd Street North. Also, the outdoor work area for bales and pallets is to be screened with an eight-foot concrete screening wall on the east, north, and west sides, with stacking above the height of the screening wall prohibited.

The garden center and the tire and lube express are proposed for location on the east end of the building. These uses typically create a higher need for screening adjacent to a major arterial and across from residential. The garden center shows a drive-through bag goods area with a high rack storage system along this frontage. The proposed screening method for garden center bag goods drive-through is (1) a 4'8" knee wall and pilasters (EIFS) along the edge of the rack system, (2) a 1/4" x #18 metal wire panel and ornamental metal fencing attached to the high racks, (3) continuous evergreen screening.

Ground signage for Parcel 1 would consist of two major signs with a maximum height of 30 feet and maximum sign face area below 150 square feet and one smaller sign with a maximum height of 20 feet and sign face area of 32 square feet. Signs would be monument type or dual pylon with wrapped pole covers. Parcels 2 and 3 would be monument type with a maximum height of 20. Ground signs would be spaced 150 feet apart. Off-site signs and portable signs would be prohibited, as would be flashing, moving (except for time and temperature or public message boards or signs that change messages sufficiently slow as to not be considered a moving sign), rotating signs, string lights, balloons, pennants and banners except as allowed in all zoning districts. The wall sign plan for Parcel 1 submitted by the applicant includes a larger number of signs than permitted by the Wichita Sign Code per elevation. Considering the size of the wall area, the actual square footage of signage requested is very modest and helps break up the mass of the wall.

To the north and west the land is zoned "SF-20" and is undeveloped. A larger residential plat, Northgate Addition, is being platted to the northwest. The northeast and southeast corners of the Meridian/53rd Street North intersection are zoned "LC". A convenience store, a vacant tract approved for a car wash, and a recently constructed mini-storage warehouse business are on the northeast corner. The remaining frontage east of Meridian is developed with suburban residences zoned "SF-5". Relatively old (50+ years) are located on the southeast corner of the intersection. The property to the south is zoned "SF-20" but a request has been filed to rezone it "LC" and approve it for development per the Johnson Commercial Center CUP (ZON2005-00042/CUP2005-00046). The subject property was approved for annexation into the City of Wichita on November 15, 2005.

At the District VI Advisory Board meeting held October 19, 2005, the DAB voted (6-1) to approve subject to the MAPD staff recommendations, plus adding a condition that portable storage containers were prohibited, evaluating the possibility of a filtration system on the fuel outlet to protect ground water due to proximity to the dry detention area and considering the impact of the development on the nearby residential areas particularly to the east of Meridian. Several neighbors were present and testified about concerns from traffic and change in character of their neighborhood by presence of a major shopping area across Meridian.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 88

At the MAPC meeting held November 3, 2005, MAPC voted (9-1) to approve subject to staff recommendations including the additional clarification from the DAB recommendations that portable storage containers would be prohibited. Other specific concerns addressed at the DAB meeting were discussed but not included in the MAPC recommendation. Neighbors were present and expressed general opposition to the proposed rezoning and CUP approval. After discussing ways to reduce the impact on the neighborhood to the east, MAPC recommended additional landscaping equal to twice the standard Landscape Ordinance requirement on the east property line.

Protest petitions have been received from a number of residents in the vicinity of the development, although many of properties are located beyond the 200-foot boundary for legally valid protests within the City of Wichita. A 1.63 percent protest was received. Written statements in opposition were received from residents.

- A. APPROVE the zone change (ZON2005-00046) subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-288), subject to the following conditions:
 - 1. Dedicate ten feet of right-of-way along 53rd Street North, tapering into existing 75 feet right-of-way width near intersection.
 - 2. Shift location of "future drive" on Parcel 3 westward 10 feet to better align with private drive on the CUP proposed to the south.
 - 3. Cross-lot circulation and connection to the internal circulation drive shall be provided for each parcel, with the connection to the internal circulation drive for Parcels 2 and 3 being a joint opening located at the northern property boundary between Parcel 2 and Parcel 3.
 - 4. Provide a guarantee for signalization at 54th/Meridian.
 - 5. At time of platting, the need for a petition for a southbound right turn lane at the proposed signalized entrance at 54th Street North and Meridian shall be reviewed, with length and taper also being reviewed at time of platting if the improvement is required.
 - 6. A petition should be required to provide for a fifth lane (left turn lane) on Meridian from the proposed signalized drive to the tie-in point with the existing SBLT lane at 53rd Street North.
 - 7. A petition should be required to provide for an EBLT lane on 53rd Street North beginning west of the west drive to the tie-in point with the existing EBLT lane at Meridian. The CUP should be responsible for that portion west of the entrance into Parcel 3, and the development to the south should be responsible for that portion from the Parcel 3 drive to the tie-in with the existing lane (at 53rd Street North).
 - 8. A petition should be required to provide for a westbound right turn lane for the west drive on 53rd N. and for the drives into Parcels 2 and 3. This WBRT lane should begin with a taper and 100' of storage to the east of the Parcel 3 entrance, and it should terminate at the west drive.
 - 9. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 - 10. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 - 11. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
 - 12. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-288) includes special conditions for development on this property.
 - 13. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
 - 14. No portable storage containers are permitted.
 - 15. The amount of landscape plant materials provided along the east property line shall be provided at twice the requirement of the Wichita Landscape Ordinance.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 89

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Fearey moved that the City Council deny the zoning request based on four facts:

- 1) The zoning uses and character of the neighborhood is predominantly developed as single-family;
- 2) Most of the residential in the area did protest;
- 3) The rezoning will detrimentally affect nearby property by increased traffic, noise, the tire and lube facility and additional truck traffic;
- 4) The scale of the development (level of intensity) greatly exceeds what is currently there.

Council Member Skelton Council Member Skelton stated that he is going to support Council Member Fearey's motion because she was elected to represent this district and is charged with making these decisions.

--carried

Motion carried 7 to 0.

(Item 51)

DR2004-10

DR2004-10-PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATION, UTILITY ASEMENTS.

David Warren

Director of Water and Sewer reviewed the item.

Agenda Report No. 05-1138

(Council Member Martz momentarily absent)

(Council Member Skelton momentarily absent)

MAPC Recommendation: Approve amendments (Option 1A). (8-1)

The negative vote indicated a Commissioner's agreement with the alternative approach recommended by the Water and Sewer Department. (Option 1B).

In the last few years, the Public Works and Water and Sewer Departments have requested that property owners dedicate additional land to create wider utility easements. The requests have mostly occurred on a piece-meal, lot-by-lot basis, resulting in the non-uniform acquisition of additional easements. The wider easement is needed to accommodate the greater number of services to be located in the easement (cable, telephone, sewer and gas) and to provide required safety for workers installing or repairing utilities. At least one of the Planning Commissioners has consistently objected to these piece-meal requests on the basis that additional easements are not effective, since an entire block's worth of easement is rarely obtained. The Planning Commission and Staff explored, with the Law Department, the potential of obtaining a wider easement by enacting a single ordinance that would retroactively widen all existing utility easements. That approach was not legally possible, so two options were developed to address the issue: Option 1B, recommended by Staff and Option 1A, recommended by the Planning Commission.

Option 1A revised Section 7-205(A) entitled "Required Improvements" to require additional easements or substandard utility easements when all property owners adjoining the easement would grant similar dedications. Additional easements would also be required if specifically required by MAPC. The Water and Sewer Department objected to this amendment and favors an alternative approach in which additional easement widths for substandard utility easements would be required for all lot splits and vacation cases in order to perform necessary maintenance of existing utility lines (Option 1B).

While not a perfect solution to the problem, Option 1B at least obtains additional easements when the opportunity arises. The request in Option 1A that the entire block will have to agree to the request for additional easement will virtually assure that no additional easement will be obtained, since it is unlikely that a property owner not involved with an application will consent to an additional dedication.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 90

Planning staff has reviewed this amendment with the City and County Legal Departments prior to review by the Subdivision Committee. The Subdivision Committee reviewed the proposed amendments on September 29, 2005.

The MAPC held the public hearing on November 17, 2005 and voted (8-1) to recommend Option 1A. The proposed amendment to the Subdivision Regulations includes this correspondence (Option 1A) in addition to staff's recommendation (Option 1B).

These amendments to the Wichita-Sedgwick County Subdivision Regulations will affect properties both inside the city limits and in the unincorporated area of Sedgwick County. Both the City Council and the Sedgwick County Commission will need to approve the amendments in order for them to be in full effect. Legal Departments for both the City and the County have reviewed the amendments and approved the form for the respective adopting Ordinances and Resolutions.

- Council Member Gray Council Member Gray stated that he is not sure that he is ready to make a decision on this today.
- M.S. Mitchell Mr. Mitchell stated that he represents the Planning Commission and is asking the Council to support the Planning Commission's recommendation. Stated that this is an excellent example of how little benefit most of those lot splits and vacations additional supplemental easements have been. Stated that they probably cost more to record them and keep track of them than they are worth. Mr. Mitchell read aloud a letter written by Joe Lang from the Law Department.
- Motion-- Mayans moved that the amendments to the Wichita-Sedgwick County Subdivision Regulations as recommended by the Metropolitan Area Planning Commission be approved and the Ordinance placed on first reading.
- Council Member Fearey Council Member Fearey stated that she would like to see this item deferred and to meet with Staff or put on a workshop for discussion.
- Council Member Skelton Council Member Skelton stated that he also would like time to consider this and asked the Mayor to support a motion for deferral.
- withdrawn Mayans withdrew his motion with consent of the second.
- Motion--carried Fearey moved to defer this item until the January 10, 2006 Council Meeting. Motion carried 7 to 0.

INTERFAITH

INTER-FAITH MINISTRIES LOW-INCOME HOUSING TAX CREDIT PROJECT MEMORANDUM OF AGREEMENT.

Agenda Report No. 05-1139

On April 19, 2005 the City Council unanimously adopted resolution H-05-02 supporting the application of Inter-Faith Ministries Villa Courts for a low-income housing tax credit project to be located in the 900 block of North Market. As required by 36 CFR 800 of the Federal Regulations, any time federal money is spent on an activity such as the Inter-Faith Ministries housing project, the project must be reviewed to determine if that activity will detrimentally impact any structures eligible for listing in the National Register. The State Historic Preservation Office (SHPO) was provided an inventory of all the structures located within the area of potential effect of the Inter-Faith Ministries housing project. In this case, buildings within the redevelopment site that were to be demolished were determined eligible for listing and required a Section 106 review be conducted.

A public hearing was held on March 23, 2005, to consider all options to avoid demolition or to minimize damage to the buildings.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 91

During the consultation process, it was found that there was not a means to incorporate the structures into the project. The City and the SHPO have developed a Memorandum of Agreement that outlines mitigation efforts that will be taken. These mitigation terms were developed with the input of Inter-Faith Ministries, Historic Midtown Citizens Association, and the Wichita-Sedgwick County Historic Preservation Alliance. The mitigation efforts include a) Retaining 938-40 North Market and preparing a National Register nomination for this property; b) retaining 902-904 North Market; and c) relocating 924-26 North Market, 928 North Market, and 930 North Market to vacant lots within the neighborhood area bounded by Murdock on the south, Waco on the west, 13th Street on the north and St. Francis on the east. This will be a catalyst for a housing development project currently being evaluated.

The Historic Preservation Office staff will prepare the National Register nomination for 938-40 North Market and submit said nomination to Kansas State Historic Preservation Office. Vacant lots within the neighborhood area are to be purchased for relocation of the three houses using CIP money. The City will recoup this money as the development project matures and the houses are re-sold to individuals. Inter-Faith Ministries, Historic Midtown Citizens Association, Wichita-Sedgwick County Historic Preservation Alliance will be asked to participate with the moving costs of the three structures. The City will be responsible for any short fall of funds for the moving costs. Failure to move the three properties will prohibit the use of federal funding for the project.

The Memorandum of Agreement has been drafted in accordance with stipulations set forth in 36 CFR 800 and has been approved as to form by the Law Department.

Motion--
-- carried

Mayans moved that the Memorandum of Agreement for the Inter-Faith Ministries Low- Income Housing Tax Credit Project be executed. Motion carried 7 to 0.

DUNBAR THEATER

CONTRACT FOR SERVICES FOR HISTORIC DUNBAR THEATER REUSE FEASIBILITY/IMPLEMENTATION PLAN. (DISTRICT I)

Agenda Report No.05-1140

The recently adopted McAdams Neighborhood Revitalization Plan has identified the goal of undertaking a feasibility analysis of community-based, visual and performing arts reuse / redevelopment opportunities associated with the Dunbar Theater, located at 1007 N. Cleveland. In October 2005, the City issued Request for Proposal No. FP500079 soliciting proposals for services in preparing the Historic Dunbar Theater Reuse Feasibility / Implementation Plan. The key deliverables of this initiative are:

§ Determine the feasibility of community-based, visual and performing arts redevelopment opportunities at the Dunbar Theater. If such a reuse proves not to be feasible, determine other feasible alternative redevelopment strategies for the facility.

§ Identify all code-required building remediation and building renovation projects. Recommend additional building improvements necessary to successfully operate the facility as a visual and performing arts center.

§ Identify all appropriate public infrastructure improvements necessary to support and facilitate community-based, visual and performing arts or other redevelopment opportunities at the Dunbar Theater.

§ Identify costs and reuse limitations associated with following the Secretary of the Interior Standards for historic building renovations.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 92

A Request for Proposals was prepared and sent to local, regional, and national vendors. Three consultant teams (Hardlines Design Company, Webb Management Services Incorporated, and HVS International) responded with a complete proposal. Staff provided evaluation summaries of the three proposals received to the Staff Screening and Selection Committee. The Staff Screening and Selection Committee met to review the proposals and determined that two of the proposals were significantly higher than budgeted. Subsequently the Staff Screening and Selection Committee conducted a phone interview with the consulting team (Hardlines Design Company) that submitted a proposal that was within budget to ensure that the consulting team fully understood the scope of work requested and was qualified to complete the work. Following the interview, the Staff Screening and Selection Committee recommended Hardlines Design Company to undertake this plan. The following summarizes the strengths of the Hardlines Design Company consultant team as identified by the Selection Committee:

- § Excellent understanding of the scope of services requested.
- § Outstanding qualifications and experience with similar projects.
- § Experienced and qualified local area team members.
- § Effective and creative community involvement / outreach approach.
- § Good participation of minority-based and women-based small businesses.

The proposed contract with the Hardlines Design Company would be a negotiated contract with a not-to-exceed fee of \$35,000. Funding for this project has been identified in the recently approved 2005-2014 Capital Improvement Program.

The contract will be reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the selection of the Hardlines Design Company for services in preparing the Historic Dunbar Theater Reuse Feasibility / Implementation Plan be approved; staff authorized to negotiate with the Hardlines Design Company a not-to-exceed contract of \$35,000 to perform the work; and the appropriate signatures authorized. Motion carried 7 to 0.

--carried

VAC2005-00031

VAC2005-00031-REQUEST TO VACATE UTILITY EASEMENTS ESTABLISHED BY VACATION OF PLATTED STREET RIGHT-OF-WAY, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE FIRST STREET AND WABASH AVENUE INTERSECTION. (DISTRICT I)

Agenda Report No. 05-1141

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting consideration for the vacation of utility easements created by the vacation of Victor Avenue (ROW), formerly Boston Avenue; Misc. Book 650, Page 444, August 27, 1969. There is a sewer line and manhole in the western easement and in the vacated Victor Street ROW. There are no sewer lines or manholes in the eastern easement. There are no water lines in the easements or the vacated Victor Avenue ROW. There are no franchised utilities in the easements. The applicant proposes to remove the sewer line (which is actually a private line with only the south 20-feet of it covered by the western easement) to allow expansion of the existing business. The Mathewson's Addition was recorded with the Register of Deeds on December 3, 1883.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and a drainage easement, dedicated by separate instrument, will be recorded with the Register of Deeds.

Motion--

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 93

VAC2005-00035

VAC2005-00035-REQUEST TO VACATE A PORTION OF PLATTED STREET RIGHT-OF-WAY AND PLATTED SETBACK, ENERALLY LOCATED NORTH OF US HIGHWAY-54/KELLOGG AVENUE, BETWEEN HORNECKER DRIVE AND 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 05-1142

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting vacation of the eastern approximately 320-foot long (x) 50-foot wide, portion of Harry Drive right-of-way (ROW). From the proposed vacated portion, there is another approximately 759.3-feet of Harry Drive that continues west to Hornecker Street. Hornecker Street immediately intersects to the south with US-54/Kellogg Avenue. The proposed vacated eastern portion of Harry Drive dead ends 80-feet deep into Lot 5, Block 2, and the Wheatridge Addition. This abrupt ending of Harry Drive in Lot 5 leaves it approximately 470.07-feet short of intersecting with 119th Street West; see the exhibit of the recorded Wheatridge Addition. There is a platted 35-foot setback that runs parallel to the proposed vacated ROW on Lots 5, 6, & 7, Block 2, Wheatridge Addition. There are no water, sewer lines or other utilities in the proposed vacated portion of ROW. The Wheatridge Addition was recorded with the Register of Deeds on April 8, 1968.

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order, a restrictive covenant, dedicated by separate instrument, binding and tying the vacated ROW to the abutting properties, a cross lot access easement, dedicated by separate instrument, and a utility easement, dedicated by separate instrument, will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VAC2005-00039

VAC2005-00039-REQUEST TO VACATE A PLATTED DRAINAGE EASEMENT, GENERALLY LOCATED SOUTH OF 29TH STREET NORTH, WEST OF MAIZE ROAD; NORTHEAST OF THE PARKDALE STREET AND PARKDALE COURT INTERSECTION. (DISTRICT V)

Agenda Report No. 05-1143

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting consideration to vacate the platted 20-foot drainage easement, whose centerline is the common lot line between Lots 3 & 4, Block 2, and Evergreen 5th Addition. The applicant proposes to replace the platted easement by dedicating a 20-foot drainage easement to be located between Lots 2 & 3, Block 2, The Evergreen 5th Addition. The replacement easement is located just east of the easement proposed to be vacated. The applicant owns all of the lots involved in the vacation request. There are no utilities, waterlines, sewer lines or manholes in the platted easement. The Evergreen 5th Addition was recorded with the Register of Deeds on October 4, 2004.

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 94

A certified copy of the Vacation Order and a drainage easement, dedicated by separate instrument, will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

SUB2005-97

SUB2005-97-PLAT OF T. & L. JOHNSON ADDITION, LOCATED NORTH OF KELLOGG AND ON THE WEST SIDE OF HILLSIDE. (District I)

Agenda Report No. 05-1145

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (7-0)

This site, consisting of 50 lots on 55.24 acres, is located within Wichita's City Limits. A zone change (ZON 2003-48) has been approved from SF-5, Single-Family Residential District to LC, Limited Commercial District. This site is subject to the Moorings Community Unit Plan (CUP 2003-50, DP-78), and a Notice of CUP has been submitted identifying the approved CUP and its special conditions for development on this property.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving, drainage, traffic signal and accel/decel turn lane improvements. A Restrictive Covenant was submitted to allow the creation of a Lot Owner's Association to provide for the ownership and maintenance of the reserves being platted for drainage purposes. The Restrictive Covenant also provides four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

There are no financial considerations.

The Certificate of Petitions, Notice of Community Unit Plan and Restrictive Covenant will be recorded of Deeds.

Motion--
--carried

Mayans moved to approve the documents and plat; authorize the necessary signatures; adopt the Resolutions and place the Ordinance on first reading, with publication being withheld until the plat is recorded with the Register of Deeds. Motion carried 7 to 0.

RESOLUTION NO. 05-639

Resolution of findings of advisability and Resolution authorizing construction of water distribution system number 448-90150 (north of 42nd Street North, west of Meridian) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-640

Resolution of findings of advisability and Resolution authorizing construction of Lateral 118, Sanitary Sewer No. 23 (north of 42nd Street North, west of Meridian) 468-84135 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 95

RESOLUTION NO. 05-641

Resolution of findings of advisability and Resolution authorizing constructing pavement in The Moorings South Addition on Bachman Drive from the west line of Cobblestone to the north line of Bachman Court, on Bachman Court, on Sandkey from the north line of Bachman Court to the north line of Bachman Drive, on Sandkey Court adjacent to Lots 20 through 26, Block 1 in said addition and on Sandkey Court adjacent to Lots 27 through 31, Block 1 in said addition and a sidewalk to be installed along one side of Bachman Drive and on one side of Sandkey. Drainage to be installed where necessary (North of 42nd Street North, west of Meridian) 472-84346 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-642

Resolution of findings of advisability and Resolution authorizing constructing a paved accel/decel lane, serving The Moorings South Addition in Meridian Avenue (north of 42nd Street North, west of Meridian) 472-84347 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-643

Resolution of findings of advisability and Resolution authorizing that signalization be provided at the Bachman/Meridian intersection and/or at any drive access from Lot 1, Block 3, if warranted by a traffic engineering study (north of 42nd Street North, west of Meridian) 472-84348 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21. (ZON 2003-48)

SUB2005-104

SUB2005-104-PLAT OF MONSANTO ADDITION, LOCATED SOUTH OF 61ST STREET NORTH AND ON THE EAST SIDE OF MERIDIAN. (COUNTY)

Agenda Report No. 05-1146

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This unplatted site, consisting of one lot on 8.48 acres, is a replat of Hybritech Wheat Addition. This site is located in the County, within three miles of Wichita's city limits, and is zoned SF-20, Single-family Residential District and GO, General Office District.

A Petition, 100 percent, and a Certificate of Petitions have been submitted for future sanitary sewer improvements. City water services are available to serve this site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 96

The Certificate of Petition will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved to approve the document and plat; authorize the necessary signatures; and adopt the Resolution. Motion carried 7 to 0.

RESOLUTION NO. 05-655

Resolution of findings of advisability and Resolution authorizing construction of Lateral 117, Sanitary Sewer No. 23 (south of 61st Street North, east of Meridian) 468-84117 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2005-106

SUB2005-106-PLAT OF SOUTHERN RIDGE FOURTH ADDITION, LOCATED SOUTH OF PAWNEE AND ON THE WEST SIDE OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 05-1147

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of 93 lots on 27.98 acres, is a replat of the eastern portion of Southern Ridge Third Addition. This site is located within Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving, drainage and left-turn lane improvements. A Restrictive Covenant has been submitted to allow the creation of a Lot Owner's Association to provide for the ownership and maintenance of the reserves being platted for drainage purposes. A Restrictive Covenant was also submitted to provide four off-street parking spaces per dwelling unit on each lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

There are no financial considerations.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved to approve the document and plat; authorize the necessary signatures; and adopt the Resolutions. Motion carried 7 to 0.

RESOLUTION NO. 05-644

Resolution of findings of advisability and Resolution authorizing construction of water distribution system number 448-90146 (south of Pawnee, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-645

Resolution of findings of advisability and Resolution authorizing construction of water distribution system No. 448-90147 (south of Pawnee, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 97

RESOLUTION NO. 05-646

Resolution of findings of advisability and Resolution authorizing construction of a water distribution system No. 448-90148 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-647

Resolution of findings of advisability and Resolution authorizing construction of water distribution system No. 448-90149 (south of Pawnee, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-648

Resolution of findings of advisability and Resolution authorizing construction of Lateral 52, Cowskin Interceptor Sewer (south of Pawnee, west of Maize) 468-84132 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-649

Resolution of findings of advisability and Resolution authorizing construction of Lateral 53, Cowskin Interceptor Sewer (south of Pawnee, west of Maize) 468-84133 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-650

Resolution of findings of advisability and Resolution authorizing improving storm water drain No.285 (south of Pawnee, west of Maize) 468-84134 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-651

Resolution of findings of advisability and Resolution authorizing constructing pavement on Yosemite from the southwest Line of Lot 4, Block B, north to the northeast Line of the Plat, and on Dallas from the southeast Line of Yosemite, southeast and east to the east line of Greenfield and that sidewalk be constructed on Yosemite and Dallas (south of Pawnee, west of Maize) 472-84342 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 98

RESOLUTION NO. 05-652

Resolution of findings of advisability and Resolution authorizing constructing pavement on Yosemite from the southwest line of Lot 4, Block B, south to the southwest line of Lot 8, Block B, on Westgate from the southeast line of Yosemite, southeast to the north line of Greenfield, on Greenfield from the east line of Westgate, west to the east line of Lark Ln., and on Greenfield Cir. from the east line of Greenfield, east to and including the cul-de-sac and that sidewalk be constructed on Yosemite, Westgate and Greenfield (south of Pawnee, west of Maize) 472-84343 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-653

Resolution of findings of advisability and Resolution authorizing constructing pavement on Yosemite from the southwest line of Lot 8, Block B, Southern Ridge 4th Addition, south to the northeast line of Lark Lane, Southern Ridge 3rd Addition, and on Lark Ln., from the northwest line of Lot 10, Block B, Southern Ridge 4th Addition, southeast and south to the south line of the Plat on Lark Ct. from the west line of Lark Ln. west to and including the cul-de-sac and that sidewalk be constructed on Yosemite and Lark Ln. (south of Pawnee, west of Maize) 472-84344 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-654

Resolution of findings of advisability and Resolution authorizing constructing pavement on Greenfield from the south line of Dallas south and east to the east line of the Plat, and on Dallas Cir., From the east line of Greenfield, east to and including the cul-de-sac and that sidewalk be construct on Greenfield (south of Pawnee, west of maize) 472-84345 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2005-117

SUB2005-117-PLAT OF RATZLAFF ADDITION, LOCATED NORTH OF 21ST STREET NORTH AND EAST OF TYLER ROAD. (DISTRICT V)

Agenda Report No. 05-1148

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of one lot on .08 acres, is located within Wichita's City Limits. This site is subject to the Reflection Ridge Community Unit Plan (CUP 2000-38, DP-170) and a Notice of CUP has been submitted identifying the approved CUP and its special conditions for development on this property.

Municipal services are available to serve this site. A Restrictive Covenant was submitted to tie the lot together with the adjoining lot to the east.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

There are no financial considerations.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 99

The Notice of Community Unit Plan and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
-carried

Mayans moved to approve the documents and plat and authorize the necessary signatures. Motion carried 7 to 0.

WORK PROGRAM

UNIFIED PLANNING WORK PROGRAM FOR FISCAL YEAR 2006.

Agenda Report No. 05-1149

The Unified Planning Work Program (UPWP) is the Wichita Area Metropolitan Planning Organization's (WAMPO's) document describing the work elements planned for FY 2006. The United States Department of Transportation (DOT) stipulates that a UPWP must include the annual application for federal transportation planning funds. After approval by various officials and agencies, the UPWP will be used as the authorization document for making applications for funds to support our local transportation planning programs.

The joint resolution of the WAMPO, Wichita City Council and Sedgwick County Board of Commissioners, authorizes the request of planning funds, the filing of applications and the execution of contracts and agreements for federal and state grants, and the undertaking of the necessary planning work.

Federal funds being requested will provide funding for nine full-time equivalent staff positions plus miscellaneous expenses and consultant fees, which will allow the Metropolitan Area Planning Department (MAPD) to continue to evaluate the feasibility of short and long-range transportation options and to develop strategies for implementing elements of the Transportation Plan. This work allows the WAMPO to continue receiving federal and state construction funds for implementing projects.

The Technical Advisory Committee reviewed and recommended the WAMPO Policy Body for approval of the FY 2006 UPWP on October 31, 2005. The WAMPO Policy Body will consider approval of the FY 2006 UPWP on December 8, 2005. The Board of Sedgwick County Commissioners will consider approval of the resolution on December 14, 2005.

The availability of local funds for other planning projects is determined in the City and County budget process. A resolution has been prepared to authorize the Director of the MAPD to make applications for federal funds up to a total of \$815,430. A carryover of an additional \$971,000 in federal planning funds for the South Area Transportation Study (SATS) is also included in this year's work program.

The activities described in the UPWP are funded from two sources: the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), and are administered through the Kansas Department of Transportation (KDOT). The MAPD will make available non-federal matching funds in support of the UPWP. The amount of local match (provided as in-kind staff services: \$205,484) required to receive federal assistance is shown below:

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 100

Funding Source	Total Cash Funds	Funding Percentage
Annual USDOT Planning Grant	\$815,430	80
Local In-Kind	\$205,484	20
South Area StudyNCPD GrantKDOT Soft	\$971,000	\$194,200

Motion-- Mayans moved to adopt the joint Resolution authorizing the Metropolitan Area Planning Department to execute the Metropolitan Planning Organization's FY 2006 Unified Planning Work Program.
--carried Motion carried 7 to 0.

RESOLUTION NO. 05-661

A joint resolution of the Wichita Area Metropolitan Planning Organization, Wichita City Council and Board of County Commissioners of Sedgwick County authorizing the request of planning funds, the filing of applications and the execution of contracts and agreements for federal and state grants, and the undertaking of the necessary planning work, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

HOUSING AGENDA

HOUSING BUDGET 2006 PUBLIC HOUSING OPERATING BUDGET.

Agenda Report No. 05-1150

The Wichita Housing Authority (WHA) and the Department of HUD have a mutual responsibility for the financial stability of the low-income housing program.

Pursuant to Section 9(a) of the U.S. Housing Act of 1937 and updates, the Department of HUD implemented the Operating Fund – Calculation of Operating Subsidy Form for determining the amount of operating subsidy to be paid to most Public Housing Authorities (PHA). The process serves two primary purposes. First, it is used to determine each PHA's share of the total operating subsidy funds appropriated by Congress each fiscal year. Second, it provides a reliable means of estimating the annual aggregate operating subsidy eligibility of PHAs, which serves as the basis for requesting annual appropriations from Congress.

The Wichita Housing Authority's operating budget for 2006 is \$3,192,012. This represents a 4.06% increase over the 2005 approved budget. The increase is due to an increase in the City's Administrative fee and personal services. Revenues for 2006 include HUD's operating subsidy, rent receipts, and other miscellaneous operating income. Any deficits incurred will be offset by Public Housing budgeted operating reserves, and will have no effect on the City's non-federal budgets.

The Wichita Housing Authority Board's adoption of the resolution approving the submission of the Public Housing Operating Budget is required.

The budget is completely funded by HUD grants and program revenues. There is no impact on the City's non-federal budget.

Motion-- Inafay Grays McClellan moved that the resolution approving the submission of the 2006 HUD Operating Budget be approved and the necessary signatures for submittal to HUD authorized.
--carried Motion carried 8 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 101

AIRPORT AGENDA

NORTH CARGO BLD NORTH CARGO BUILDING CONSTRUCTION, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-1151

The 2005 Capital Improvement Program (CIP) includes the North Cargo Building Construction.

In order to prepare for the Terminal Area Redevelopment Program, the existing cargo facility will need to be relocated. The project will include designing and construction of a new cargo facility with additional security, signage, fencing, and pavement replacement.

The Staff Screening and Selection Committee interviewed the two firms who submitted proposals and elected Gossen Livingston Associates, Inc. for professional services.

A contract has been prepared for design and bid phase services in the amount of \$335,611. The project is estimated to cost \$8,265,000 and will be funded with General Obligation Bonds paid with airport revenue.

The Law Department has approved the contract and Authorizing Resolution as to legal form.

Motion--
--carried

Mayans moved that the contract and the capital project budget be approved; the resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. A-05-011

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL

CSBG APPTS.

CSBG REVIEW COMMITTEE APPOINTMENTS.

Agenda Report No. 05-1152

The City of Wichita receives federal Community Services Block Grant (CSBG) funds to provide services to low-income persons. Federal law governing the use of these funds mandates a board to participate in the development, planning, implementation, and evaluation of the CSBG program. By law, the board must be tri-partite, with representatives of the public sector, various community sectors, and the low-income.

When the Council restructured advisory boards and commissions in 1999, it created the CSBG Review Committee to provide citizen input for the CSBG program, in compliance with federal law. The Council decided that Committee membership should come from members of the District Advisory Boards to access their special knowledge of the community.

The Committee is a twelve-member board representing the three federally mandated sectors—public, community, and low-income. The public sector is four members appointed to represent the City Council. The community sector is four members appointed to represent community interests such as business, industry, labor, religious organizations, welfare, and education. Low-income residents elect the remaining four members of the Committee, one from each quadrant of the community.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 102

The DAB members on the attached recommended appointment list volunteered to be appointed by the City Council as public and community sector representatives, based on their stated affiliations. The list also includes low-income members elected to fill four positions. Staff is requesting the City Council approve the nominations to represent the public sector and the community sector. No action is needed by the City Council for the four elected members.

The Committee nominations and low-income elections for Committee membership were completed in conformance with the appropriate City Ordinance and federal regulations.

Council Member Martz Council Member Martz reported that on the second page where it says no City Council needed under DAB V, he does not think that is right. Stated that it needs to be corrected to DAB IV.

Motion-- Mayans moved that the public and community sector members to CSBG Review Committee be
--carried appointed with the amendment. Motion carried 7 to 0.

JUDGES COMP.

MUNICIPAL COURT JUDGES COMPENSATION.

Agenda Report No. 05-1155

Charter Ordinance No. 191 provides that the compensation of Municipal Court Judges shall be set by the City Council. The ordinance also provides that the judges will be evaluated according to procedures established by the City Council.

Pursuant to Charter Ordinance No. 191, the "City Council Policy on the Evaluation Procedures for Wichita Municipal Court Judges" provides the process for evaluating and compensating Municipal Court Judges.

Two City Council members were designated by the City Council to conduct the review and survey required by the Policy for retention of all of the Municipal Court Judges. On November 1, 2005, the City Council approved the appointment of all of the Municipal Court judges for a new four-year term of office, retroactive to the third Tuesday of April 2005, ending the third Tuesday of April 2009. In connection with the reappointment of the judges, it is recommended that each judge receive a 3% cost of living increase for the year 2005, retroactive to the third Tuesday of April, 2005 and a 4% merit increase for 2005, retroactive to the third Tuesday of April, 2005.

The cost of the salary increases is budgeted in the Municipal Court Budget.

Council Member Brewer Council Member Brewer reported that a couple of months ago, he and Council Member Schlapp completed the report on the evaluation of the judges and at this point in time, they have voted to retain all of the judges and are now prepared to make recommendations regarding salary adjustments. Stated that one thing they originally looked at was addressing the issue for this year and also looking at the salary increases for the next two years. Stated that for this year was to give a 3% cost of living adjustment and a 4% merit. Stated that the other recommendations were that the upcoming years, they provide whatever the cost of living increases are for ensuing 2006 and 2007 and that those raises be given and also recommending a 4% increase during that time. Stated that there are two options, one is to address just this year and the other is to address the upcoming years.

Motion-- Brewer moved that the general pay adjustment of 3% for 2005, retroactive to the third Tuesday of April
--carried 2005 and a merit increase of 4% for 2005, retroactive to the third Tuesday of April 2005 for all
of the Municipal Court Judges be approved. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 103

TRAVEL EXPEND. APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND LKM GOVERNING BODY MEETING IN TOPEKA, DECEMBER 15-16, 2005.

Motion--carried Mayans moved that the expenditures be approved. Motion carried 7 to 0.

BOARD APPTS. BOARD APPOINTMENTS.

Mayor Mayans Mayor Mayans requested that Joe Pajor be appointed to the Solid Waste Committee, effective January 1, 2006.

Council Member Fearey Council Member Fearey requested to reappoint Elizabeth Bishop to the MAPC.

Council Member Skelton Council Member Skelton requested to appoint Bob Decker to the Wichita Employee's Retirement Board.

Motion--carried Mayans moved to approve the appointments. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion-- Mayans moved that the City Council recess at 12:30 p.m into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation; legal advice; contract negotiations and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than 1:15 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

RECONVENE The City Council reconvened in the Council Chambers at 1:15 p.m and the Mayor announced that no action was taken.

Motion--carried Mayans moved to close the Executive Session. Motion carried 4 to 0, (Fearey, Martz and Skelton absent).

Motion--carried Mayans moved to recess into the workshop in the First Floor Board Room. Motion carried 4 to 0, (Fearey, Martz and Skelton absent).

Motion-- Mayans moved at 2:07 p.m. to go into Executive Session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation; legal advice; contract negotiations and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than 2:25 p.m. and reconvene in the City Council Chambers on the first floor of city hall. Motion carried 4 to 0, (Martz, Schlapp and Skelton absent).

--carried

RECONVENE The City Council reconvened in the City Council at 2:25 p.m.

Motion--carried Mayans moved that the Executive Session be extended until 3:00 p.m. Motion carried 4 to 0, (Martz, Gray and Schlapp absent)

RECONVENE The City Council reconvened in the City at 3:06 p.m.

Motion--carried Mayans moved that to close the Executive Session. Motion carried 4 to 0, (Martz, Gray and Schlapp absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 104

Motion--
--carried

Mayans moved to bring back and discuss item 47, Amendments to salary and position classification ordinances classification. Motion carried 7 to 0.

(Item 47)
SALARY ORD.

AMENDMENTS TO SALARY AND POSITION CLASSIFICATION ORDINANCES

Agenda Report No. 05-1134

The annual Salary Ordinance sets the rates of pay for City pay ranges. Pay ranges for represented positions are based on contractual obligations. The wage rates in 2006 for positions represented by the Fraternal Order of Police, Lodge #5, and the International Association of Fire Fighters, Local #135, are based on wage agreements approved in 2004. The Service Employees' International Union, Local #513, rates for 2006 and 2007 are based on a contract approved in 2004. The Teamsters Local #795 (Airport) wage rates for 2006 and 2007 are based on a contract approved in 2004. These pay rates must go into effect with the pay period beginning December 17, 2005.

The Salary Ordinance also sets pay ranges for non-represented positions. These wages are typically set based on equity with union wage agreements, actual CPI data, and a desire to avoid wage compression. Finally, various other wage items are included in the Salary Ordinance.

During the year, Human Resources reviews classifications, job descriptions and position titles to determine if any revisions or corrections are needed. A few of these are also included.

Amendments to the Classification Ordinance because of proposed classification, title and pay range changes or corrections (no salary changes):

Assistant Director of Housing and Community Development – corrected to Assistant Director of Housing and Community Services to match new name of the department.

Senior Budget Analyst – title of this position in Pension Management changed to Assistant Pension Manager to more accurately reflect its duties.

Capital Improvement Coordinator – this position was studied prior to recruiting, and reduced from exempt pay range 111 to 113.

City Traffic Engineer – title changed to Traffic Engineer at Public Works' request.

Director of Environmental Health – updated to Director of Environmental Services.

Director of Housing – updated to Director of Housing and Community Services.

Golf Course Food and Beverage Manager – revised to Golf Course Food and Beverage Supervisor to be consistent with other positions at similar levels.

Salary Ordinance Amendments

Transit Teamsters Agreement – Section 1 (pages 1 and 2) shows the new pay rates approved in this new three-year agreement. This provides GPA adjustments of 3% in 2006, 3% in 2007, and 2.5% in 2008.

FOP, IAFF, SEIU, and Teamster-Airport Pay Rates – The previously agreed-upon pay rates cited under Background are shown in Sections 4, 5 and 6 (pages 3 – 8). This provides a GPA adjustment of 3% in 2006 (FOP, IAFF, SEIU, and Teamsters-Airport) and 3% in 2007 (SEIU and Teamsters-Airport).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

DECEMBER 13, 2005

PAGE 105

Management and Exempt employees: Staff recommends a 3% adjustment to Management and Exempt pay ranges, with a 3% General Pay Adjustment for staff. This is consistent with GPAs for represented positions. Also, it will avoid aggravating compression issues between represented and non-represented positions (for example between Fire Captains and Fire Battalion Chiefs, and Police Sergeants and Police Lieutenants). These ranges are shown in Sections 7, 8 and 9 of the Salary Ordinance (pages 8 and 9).

Airport Public Safety Supervisors: Because these positions are now subject to negotiations for 2006 with the IAFF, no rate adjustments are presumed for these positions, pending the conclusion of negotiations. Rates for 2005 are maintained for this Ordinance.

Police Lieutenants: Because of continuing salary compression issues, especially for Lieutenants who have advanced faster through the ranks, staff recommends elimination of the first eight steps in the Lieutenant range (Section 5 of the Salary Ordinance, page 7, range 727.) This ensures that Lieutenant salaries will be above those of Police Officers (three ranks lower), and that there will be less overlap with Detectives and Sergeants. Lieutenants supervise all of these lower ranks, but are non-exempt employees who are not represented by the FOP. This will necessitate salary increases for two Lieutenants (see Financial Considerations).

Municipal Court Judges: Included in the amendments is an increase in the administrative pay for the Administrative Municipal Court Judge from \$3000 to \$5000 per year. This recognizes the increasing administrative demands on the Administrative Judge. Also recommended are changes in the Judge Pro-tem pay: increase the maximum rate of \$200 per day to \$300; increase in the rate for one-half days from \$75 to \$125; and state a specified rate of \$75 for an Environmental Court session. This will facilitate recruitment and retention of qualified attorneys for these positions. These changes are on page 9, in Section 10a. (9).

Fire Department Shifts: On page 11, Section 10 b. (11), second paragraph, the phrase "in the Fire Department" is added to clarify that these shifts apply only to that department.

Longevity Pay: In 2004 it was agreed to increase this payment for 2005 to \$4 per year of service per month for employees with more than eleven years of service, and to \$5 for 2006. This change is included in these amendments (Salary Ordinance Section 10, Pay Rates, p. 11, 14.) Longevity Pay for Transit Teamsters is increased based on that contract.

The 2006 Adopted Budget includes funding for a 3% GPA for all employees, as well as the increase in Longevity Pay. The cost for the change in the Police Lieutenant pay range is \$7300. The cost for the Municipal Court Judge changes is estimated to be \$3625.

The Department of Law has reviewed the ordinances and approved as to form.

Motion--

Mayans moved to declare an emergency and adopt the amendments to the Salary and Position Classification Ordinances, except for the provision in the ordinance that apply to management and exempt employees and that the Council will consider pay and salary issues for management and exempt employees at the December 20, 2005 Council Meeting. The provisions of Ordinance 45-944 and 46-606 are repealed except for the provisions that pertain to management and exempt salaries.

--carried

Motion carried 7 to 0.

Motion--carried

Mayans moved to close the regular meeting at 3:12 p.m. Motion carried 7 to 0.

Adjournment

The meeting was adjourned at 3:12 p.m.

Respectfully submitted,

Karen Sublett
City Clerk